



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, बुधवार, 9 जून, 2004/19 ज्येष्ठ, 1926

हिमाचल प्रदेश सरकार

हिमाचल प्रदेश विद्युत विनियामक आयोग, शिमला

अधिसूचना

तारीख, शिमला, 8 जून, 2004

संख्या एच०पी०इ०आर०सी/३८।—हिमाचल प्रदेश विद्युत विनियामक आयोग विद्युत अधिनियम, 2003 (2003 का 36) की धारा 181 की उप-धारा (1) तथा उप-धारा (2) के खण्ड (यघ) द्वारा प्रदत्त

शक्तियों तथा इस निमित सशक्त करने वाली अन्य सभी शक्तियों का प्रयोग करते हुए, पूर्व प्रकाशन के पश्चात्, एतद्वारा निम्नलिखित विनियम बनाता है:-

विनियम

भाग - 1 प्रारंभिक

1. संक्षिप्त नाम और प्रारम्भ।- (1) इन विनियमों का संक्षिप्त नाम हिमाचल प्रदेश विद्युत विनियामक आयोग (टैरिफ अवधारण के लिए निबंधन और शर्तें) विनियम, 2004 है।

(2) ये विनियम 10 जून, 2004 से प्रवृत्त होंगे।

2. उपबन्धों की परिधि।- (1) ये विनियम, जहां आयोग पूँजीगत लागत आधारित टैरिफ अवधारित करता है, वहां लागू होंगे।

(2) यदि टैरिफ केन्द्रीय सरकार द्वारा जारी मार्गदर्शन सिद्धांतों के अनुसार बोली लगाने की पारदर्शी प्रक्रिया द्वारा अवधारित किया गया हो, तो आयोग, अधिनियम के उपबन्धों के अनुसार, टैरिफ को अंगीकार कर सकेगा।

(3) यदि टैरिफ राज्य सरकार तथा उत्पादन कम्पनी में द्विपक्षीय आधार पर अवधारित किया जाता है और आयोग द्वारा उस टैरिफ के आधार पर विद्युत क्रय करार को अनुमोदित कर दिया जाता है, तो आयोग, अनुमोदित विद्युत क्रय करार को निबन्धनों एवं शर्तों सहित, उस टैरिफ को अंगीकार कर सकेगा।

3. परिभाषाएं।- इन विनियमों में, जब तक कि संदर्भ में अन्यथा अपेक्षित न हो,-

(क) "अधिनियम" से विद्युत अधिनियम, 2003 (2003 का 36) अभिप्रेत है;

(ख) "आयोग" से हिमाचल प्रदेश विद्युत विनियामक आयोग अभिप्रेत है;

(ग) "प्रचालन एवं अनुरक्षण व्यय (या ओ० एण्ड एम० एक्सपैन्स)" से वितरण प्रणाली के प्रचालन एवं अनुरक्षण पर उपगत व्यय अभिप्रेत है और इसमें कर्मचारियों पर खर्च, प्रशासनिक एवं आम खर्च, मरम्मत और अनुरक्षण, फालतू सामग्री, खपने वाली सामग्री, बीमा इत्यादि पर उपगत व्यय तथा अन्य उपरिव्यय भी आते हैं;

(घ) "विनियम" से ये विनियम अभिप्रेत हैं;

- (ङ) "राज्य सरकार" से हिमाचल प्रदेश सरकार अभिप्रेत है;
- (च) "अधिभार" से उपभोक्ता या उपभोक्ता प्रवर्ग द्वारा खुली पहुंच से, वाध्यताधीन वितरण अनुज्ञाप्तिधारी से भिन्न किसी अन्य व्यक्ति से, विद्युत प्रदाय के लिए, विकल्प करके, किया गया अतिरिक्त संदाय, अभिप्रेत है;
- (छ) अन्य सभी शब्दों और पदों के, जो इन विनियमों में प्रयुक्त हैं, किन्तु परिभाषित नहीं हैं, के वही अर्थ होंगे जो कि उन्हें अधिनियम में क्रमशः नियत किये गये हैं।

माग – 2 टैरिफ अवधारण मार्गदर्शक कारक

4. टैरिफ अवधारण.—(1) आयोग, इस अधिनियम के उपबन्धों के अनुसार, निम्नलिखित के लिए टैरिफ अवधारण करेगा –

- (क) उत्पादन कम्पनी द्वारा वितरण अनुज्ञाप्तिधारी को विद्युत प्रदाय;
- (ख) विद्युत का पारेषण;
- (ग) विद्युत का चक्रण;
- (घ) विद्युत का खुदरा विक्रय।

(2) आयोग द्वारा अवधारित टैरिफ तथा आयोग द्वारा टैरिफ आदेश में दिये गये निर्देश तत्प्रतीत और पारस्परिक सम्मिलित होंगे। अवधारित टैरिफ, आयोग द्वारा विनिर्दिष्ट कालावधि में, आयोग की तुष्टिनुसार निर्देशों के अनुपालन के अध्यधीन होगा तथा उनका अननुपालन टैरिफ में, जैसे आयोग आदेशित करे, संशोधन, प्रतिसंहरण, फेरफार (बदलाव) तथा परिवर्तन का कारक होगा।

(3) टैरिफ आदेश, जब तक कि अन्यथा संशोधित या प्रतिसंहरत न हो, ऐसी अवधि के लिए, जैसी टैरिफ आदेश में विनिर्दिष्ट की जाए, लागू रहेगा। अनुज्ञाप्तिधारी के विनियम 7 के अधीन संकलित राजस्व अपेक्षाविवरणी (ए0आर0आर0) दाखिल करने में असफल रहने पर, जब तक आयोग फेरफार (बदलाव) परिवर्तन और उपांतरण सहित उसके उत्तरकालावधि में लागू रहने के लिए अनुज्ञात नहीं करता है, आयोग द्वारा अवधारित टैरिफ, प्रवर्तन में नहीं रहेगा।

5. टैरिफ अवधारण हेतु मार्गदर्शक बातें.— आयोग, टैरिफ अवधारण करते समय निम्नलिखित बातें ध्यान में रखेगा, नामतः—

(क) वे सिद्धांत जो –

- (1) कार्य निष्पादन को बढ़ावा दें;
 - (2) वाणिज्यक पहलू को उजागर करें;
 - (3) दक्षता, मितव्ययी उपयोग, प्रतिस्पर्धा तथा हानि व लागत में कमी करें;
 - (4) उर्जा के नए स्त्रोतों से विद्युत के सह-उत्पादन और उत्पादन का संवर्धन करें;
- (ख) धारा 62 की उप-धारा (5) के अधीन टैरिफ और प्रभारों से प्रत्याशित राजस्व की संगणा करने के, तथा टैरिफ फाईलिंग के लिए, अधिकथित मार्गदर्शक सिद्धांत एवं प्रक्रिया;
- (ग) बहु वर्ष टैरिफ सिद्धांत;
- (घ) परिचालन दक्षता में सुधार लाने तथा विनियामक कार्रवाई की संभाव्यता सुनिश्चित करने हेतु कार्य निष्पादन आधारित विनियामक व्यवस्था के व्यापक टैरिफ सिद्धांत;
- (ङ.) उपभोक्ता हित का सरक्षण;
- (च) युक्तियुक्त रीति से विद्युत लागत की वसूली;
- (छ) प्रतिसहायिकी की कमी तथा समाप्ति;
- (ज) विनिधान उत्पादकता, जिसमें टैरिफ समायोजन को कारवार में नियोजित पूँजी, मानव संसाधनों की उत्पादकता बढ़ाने तथा पूँजी व स्त्रोत दक्षता में सुधारों से जोड़ने की आवश्यकता भी है;
- (झ) विद्युत उत्पादन, पारेषण तथा वितरण की बैंचमार्क तथा कार्य-निष्पादन आधारित लागत के आधार पर टैरिफ को व्यवस्थित किए जाने की आवश्यकता ।

6. अनुज्ञेय टैरिफ की वसूली.—(1) उत्पादन कम्पनी अथवा, अनुज्ञाप्तिधारी, आयोग के पूर्व अनुमोदन के बिना, विद्युत पारेषण (अंतराज्यिक पारेषण), वितरण तथा प्रदाय के लिए, टैरिफ वसूल नहीं करेगा:

परन्तु इन विनियमों के विनियम 4 की परिधि में आने वाले टैरिफ सम्बन्धित विषय में, आयोग की शक्तियों पर प्रतिकूल प्रभाव डाले बिना, अनुज्ञाप्तिधारियों अथवा उत्पादन कम्पनियों द्वारा वसूल किया जा रहा विद्यमान टैरिफ, इन विनियमों के प्रवृत्तन की तारीख के पश्चात् उस अवधि, जो अधिसूचना में विनिर्दिष्ट की जाए, तक वसूल किया जाता रहेगा।

(2) अनुज्ञाप्तिधारी अथवा उत्पादन कम्पनी आयोग द्वारा अवधारित टैरिफ से अधिक वसूल नहीं करेगी। यदि कोई अनुज्ञाप्तिधारी या उत्पादन कम्पनी इन विनियमों के अधीन अवधारित टैरिफ से अधिक मूल्य या प्रभार वसूल करती है तो अनुज्ञाप्तिधारी अथवा उत्पादन कम्पनी के किसी अन्य भारित दायित्व पर प्रतिकूल प्रभाव डाले बिना,—

- (क) उस व्यक्ति द्वारा, जिसने ऐसे मूल्य या प्रभार का संदाय किया है, बैंक दर से समतुल्य ब्याज सहित अधिक ली गई राशि बसूल की जाएगी; तथा
- (ख) उत्पादन कम्पनी, अथवा यथास्थिति अनुज्ञाप्तिधारी, इस अधिनियम की धारा 142 तथा 146 के अधीन दण्डनीय होगा।

भाग – 3 संकलित राजस्व अपेक्षाविवरणी का दाखिल करना

7. संकलित राजस्व अपेक्षाओं का दाखिल करना।— (1) प्रत्येक आगामी वित्तीय वर्ष के लिए प्रत्येक उत्पादन कम्पनी अथवा अनुज्ञाप्तिधारी, हर वर्ष की 30 नवम्बर को या उस से पूर्व, टैरिफ अवधारणा हेतु, विनियमों में विनिर्दिष्ट शुल्क सहित तथा आयोग द्वारा अधिकथित रूपविधान में उस समय विद्यमान टैरिफ से भावी संकलित राजस्व तथा भावी सेवा लागत, जिसमें क्षति स्तर में कमी, दूसरे दक्षता लाभ भारों के पुनरीक्षण तथा विभिन्न उपभोक्ता प्रवर्गों की टैरिफ संरचना में बदलाव भी हैं, के अन्तर को पूरा करने से सम्बन्धित टैरिफ प्रस्तावों का उल्लेख करते हुए अपनी संकलित राजस्व अपेक्षाविवरणी (ए.आर.आर.) दाखिल करेगा।

(2) आयोग, उत्पादन कम्पनियों अथवा पारेषण अनुज्ञाप्तिधारियों को लागू टैरिफ अवधारित करते समय, केन्द्रीय विद्युत विनियामक आयोग द्वारा विनिर्दिष्ट सिद्धांत और विचारधारा से, तथा ऐसे टैरिफ के उन निबन्धनों एवं शर्तों, से जो उक्त आयोग द्वारा अधिसूचित की जाए, मार्गदर्शित होगा:

परन्तु यह कि टैरिफ अवधारण के प्रयोजन हेतु आयोग पर्याप्त कारण देकर तथा उन कारकों, जैसे कि परियोजना चलाने वाली कम्पनी की दक्षता; उपभोक्ता हित तथा अन्य कारणों, पर विचार करने के पश्चात् अनुमोदित पूँजीगत लागत से भिन्न विनिश्चय कर सकेगा।

परन्तु और यह कि आयोग, पर्याप्त कारण देकर तथा सम्यक् तत्परता बरतते हुए तथा प्रज्ञायुक्त जांच करके, केन्द्रीय आयोग द्वारा उपान्तरित वितरण तथा पारेषण टैरिफ के निबन्धन तथा शर्तों को बदल सकता है।

(3) यदि अनुज्ञापितधारी एक से अधिक कारवार चलाता है तो प्रत्येक कारवार के बारे में, उप-विनियम (1) में निर्दिष्ट विवरणियों को अनुज्ञापितधारी प्रत्येक पृथक कारोबार के लिए पृथकतः तथा उस रीति में, जैसे आयोग निर्दिष्ट करे, देगा।

(4) उप-विनियम (1) के अध्यधीन संकलित राजस्व अपेक्षाविवरणी (ए.आर.आर.) में निम्न का उल्लेख किया जाएगा –

(क) पूंजी विनिधान; वित्तपोषित लागत तथा दर आधार;

(ख) कामकाज पूंजी; प्रचालन एवं अनुरक्षण व्यय; डूबंत क्रण के बारे में उपबन्ध, अवक्षयण तथा वितरण क्षति;

(ग) पूर्वानुमानित विक्रय;

(घ) विद्युत क्रय;

(ड.) लाभांशाबंटन;

(च) विनियामक आस्तियां;

(छ) रीति जिससे अनुज्ञेय प्रभारों की वसूली और संगणानित भावी राजस्व (आय) में अन्तर, यदि कोई हो, पूरा किया जाएगा; तथा

(ज) अन्य सूचना, जो आयोग निर्दिष्ट करे।

(5) राजस्व परिकलन तथा टैरिफ प्रस्ताव दाखिल करने के पश्चात्, अनुज्ञापितधारी आयोग को ऐसी अतिरिक्त सूचना, विशिष्टियाँ तथा दस्तावेज, जिनकी आयोग समय-समय पर अपेक्षा करे, देगा।

(6) अनुज्ञापितधारी संक्षिप्त रूप में आवेदन की विषयवस्तु को आयोग द्वारा निर्दिष्ट रीति में सर्वसाधारण के सूचनार्थ प्रकाशित करेगा तथा आयोग में दिये गये आवेदन तथा दस्तावेजों की प्रतियाँ मूल्य, जो सामान्यतः फोटो कापी प्रभार से अधिक न हो, पर उपलब्ध करेगा।

(7) आयोग, राजस्व अपेक्षा की अवधारणा के प्रयोजन हेतु तथा प्रत्येक पूर्नविलोकन वर्ष के लक्ष्य निर्धारण हेतु, आदेश द्वारा, मोटे तौर पर अनुज्ञप्तिधारियों द्वारा उपगत खर्च निम्न प्रकार से वर्गीकृत कर सकेगा –

(क) नियंत्रणीय खर्च; तथा

(ख) अनियंत्रणीय खर्चः

परन्तु यह कि नियंत्रणीय खर्चों का वर्गीकरण समुचित सूचकांकों, जैसे उपभोक्ता मूल्य सूचकांक (सी. पी.आई.), थोक मूल्य सूचकांक (डब्ल्यू०पी०आई०) तथा मूल उधार दर (पी०एल०आर०) इत्यादि से अनुक्रमणिका बना कर के किया जाएगा :

परन्तु और यह कि वैकल्पिक उपगत अनियंत्रणीय खर्चे आयोग की सम्यक् तत्परता एवं प्रज्ञायुक्त जांच के अध्यधीन, पास थ्रू (pass through) खर्चा माना जाएगा ।

(8) आयोग बहु वर्षीय टैरिफ के प्रयोजन हेतु अनुज्ञप्तिधारी से दीर्घकालिक कारवार योजना की अपेक्षा कर सकेगा ।

(9) यहां आयोग का समाधान होता है कि उस के समक्ष किसी लम्बित मामले में न्यायसंगत और उचित निष्कर्ष के लिए परामर्शी नियुक्त करना आवश्यक है और वह "परामर्शी नियुक्ति विनियमों" के अधीन परामर्शी नियुक्त करता है, तो वह उत्पादन कम्पनी अथवा अनुज्ञप्तिधारी को उसका संदाय करने की अपेक्षा कर सकेगा और यह वार्षिक राजस्व अपेक्षा में पास थ्रू (pass through) खर्चा समझा जाएगा ।

8. पूंजी विनिधान.—(1) अनुज्ञप्तिधारी, चालू परियोजनाओं को, जो पूर्नविलोकन वर्ष के दौरान चालू रहेंगी और नई परियोजनाओं को, जो आरम्भ तो की जाएंगी परन्तु टैरिफ कालावधि के भीतर या उसके उपरान्त ही पूरी होंगी, (उनके औचित्य सहित) पृथकतः दर्शाते हुए अपनी विस्तृत पूंजी विनिधान योजना दाखिल करेंगे ।

(2) अनुमोदन हेतु आयोग अनुज्ञप्तिधारी की विनिधान योजना पर विचार कर सकेगा और इस प्रयोजन के लिए अनुज्ञप्तिधारियों से सुसंगत तकनीकी व वाणिज्य ब्यौरे देने की अपेक्षा कर सकेगा। सामान्यतः किसी वर्ष विशेष के लिए अनुज्ञप्तिधारी की अनुमोदित विनिधान योजना के तत्समान खर्चे उसकी राजस्व अपेक्षा समझे जाएंगे ।

(3) नई परियोजनाओं का औचित्य न्पस्थापित करने के लिए अनुज्ञापिताधारी संकर्म की विनिर्दिष्ट प्रकृति और उससे बांधित उपलब्धि का ब्यौरा देंगे तथा उक्त ब्यौरे में इन तथ्यों कि नई क्षमता में कितना परिवर्धन किया गया है और कितना किया जाना है, मीटरों का प्रतिस्थापन, उपभोक्ता सेवा केन्द्रों का गठन इत्यादि का वस्तुगत रूप में उल्लेख होना चाहिए, ताकि इसकी अस्तित्व जांच हो सके। वस्तुगत कार्यान्वयन में कमी की दशा में, आयोग अनुज्ञापिताधारियों से कारणों का स्पष्टीकरण मांग सकेगा तथा अगले वर्ष की राजस्व अपेक्षाविवरणी में प्रावधान, जिसमें ब्याज तथा वापसी घटक भी आते हैं, में अनुपाततः कटौती कर सकेगा।

(4) टैरिफ वर्ष के भीतर, अनुज्ञापिताधारी प्राकृतिक आपदाओं का, जिन पर भारी खर्च आता है, सामना करने के लिए अतिरिक्त पूंजीगत व्यय के लिए प्रावधान की मांग कर सकेगा और आयोग, उप-विनियम (2) में उपबन्धों के अनुसार इन प्रावधानों का परीक्षण व पुनर्विलोकन करेगा और उन्हें आगामी राजस्व अपेक्षाविवरणी में सम्मिलित करने के लिए अनुमोदित करेगा।

9. वित्तीय लागत।— (1) नए वित्तीय संसाधन जुटाते समय बाज़ार परिस्थितियों का पूरा लाभ उठाने के लिए अनुज्ञापिताधारी ऋण और साधारण अंश के किसी भी अनुपात पर वित्त संसाधन जुटाने में स्वतन्त्र होगा। पिछले विनिधान के लिए वास्तविक मूल्य पर विचार किया जाएगा। विनिधान वित्तपोषण के लिए अवक्षयण आरक्षिति का प्राप्य सीमा तक उपयोग किया जाएगा :

परन्तु अनुज्ञापिताधारी उन अस्थितियों से, जो उसे अवक्षयण आरक्षिति के उपयोग से प्राप्त हुई हैं, आय उपार्जित नहीं कर सकेगा।

(2) अनुज्ञापिताधारी अपनी दाखिल की जानी वाली अपेक्षा विवरणी में उल्लेख करेगा कि उसकी राजस्व अपेक्षाविवरणी में दी गई वित्तपोषित लागत, वर्ष के लिए अनुमोदित विनिधान योजना, पूंजी स्तर तथा कामकाज पूंजी से मेल खाती है।

(3) राजस्व के संदर्भ में, वर्ष के आरम्भ में बकाया ऋणों के लिए अनुज्ञापिताधारी अपनी दाखिल की जाने वाली अपेक्षाविवरणी में प्रत्येक वर्ष में दिये जाने वाले भावी ब्याज का उल्लेख करेगा, जो अनुज्ञापिताधारी की उक्त वर्ष की राजस्व अपेक्षा मानी जाएगी, तथा ब्याज दर की कमी की दशा में, अनुज्ञापिताधारी को बकाया ऋणों को घटाने के लिए प्रयास करने होंगे।

(4) आयोग उपभोक्ताओं से ऋण लेने के लिए बढ़ावा देगा तथा अनुसूचित बैंक द्वारा सभी ऋणों के लिए अनुज्ञेय ब्याज लागत के साथ पूर्वावधारित सीमा (मार्जिन) को, जो उस

दर को यथार्थतः परावर्त करे जिस पर अनुज्ञापित्तधारी बाजार में ऋण ले सके, मूल उधार दर (पी०एल०आर०) से जोड़ा जाएगा ।

(5) उप-विनियम (4) में अनुज्ञेय ब्याज़ लागत को मूल उधार दर से जोड़ने से अनुज्ञापित्तधारियों को अपनी उधार रेटिंग में सुधार लाने तथा निम्नतर लागत पर वित्त प्राप्ति में प्रोत्साहन मिलेगा और अगामी टैरिफ़ पुनर्विलोकन तक अनुज्ञापित्तधारी उस बचत से लाभ प्रतिधारित करेंगे, तथा उस स्थिति में वास्तविक मूल्य पश्चात्वर्ती वर्षों में आधार माना जाएगा ।

(6) आयोग के अनुमोदनार्थ, अनुज्ञापित्तधारी, अपने कारबार, चालू बाजार प्रस्थितियों तथा वित्तीय स्थिति के संदर्भ में, मूल उधार दर की उपयुक्तता को ध्यान में रखते हुए, अपनी राजस्व अपेक्षाविवरणी में, (भारतीय ऋण) के संदर्भ में मूल उधार दर अथवा लाभ सीमा में किसी के भी विकल्प का प्रस्ताव कर सकता है :

परन्तु स्थिरता रखने के लिए आयोग, किसी आम स्वीकार्य बैंक की मूल उधार दर को बैंचमार्क के रूप में अपना सकेगा ।

10. दर आधार- (1) आयोग, प्रत्यागमों की सगंणना हेतु, ऋण तथा इक्वीटी का पृथकतः या संयुक्ततः विचार करते हुए समुचित दर आधार अवधारित कर सकेगा तथा ऐसा करते हुए उन बातों, जो पूँजी विनिधान को प्रोत्साहित करती हैं, पर पर्याप्त विचार करेगा :

परन्तु कुलनियोजित पूँजी का प्रत्यागम अनुज्ञात करते हुए, आयोग, नियमत अन्तराल पर, अनुज्ञापित्तधारी की अधिमानित औस्त पूँजी लागत (डब्ल्यू०ए०सी०सी०) निर्धारित कर सकेगा ।

(2) यदि निवेश विदेशी करेंसी पूँजी के रूप में किया जाता है तो आयोग अलग प्रत्यागम दर पर विचार कर सकता है और विदेशी मुद्रा में फेरफार (बदलाव) का भार उपभोक्ताओं द्वारा धारित किया जाना अनुज्ञात होगा ।

(3) आयोग –

- (क) इक्वीटी के प्रत्यागम को भारतीय रिजर्व बैंक की बैंक दर जमा विद्युत सैक्टर में विनिधान जोखिम के मार्जिन के साथ जोड़ सकता है ;
- (ख) पूँजी आधारित नियत प्रत्यागम दर, जैसी उस द्वारा विनिश्चित की जाए, अनुज्ञात कर सकेगा ;

(ग) पश्व-कर प्रत्यागम के लिए प्रावधान कर सकेगा और यह भी सुनिश्चित कर सकेगा कि कर भार, कर प्रत्यागम सीमा तक, उपभोक्ताओं द्वारा धारित हो ।

11. कामकाज पूँजी।— कामकाज पूँजी अपेक्षाएं, लीड-लेंग अध्ययन पर अधारित होंगी और पश्चात् वर्ती वर्षों में उक्त कामकाज पूँजी अपेक्षा दक्षतापूर्ण स्तर तक बढ़ाई जानी चाहिए । कामकाज पूँजी पर ब्याज, आयोग द्वारा जैसे अनुज्ञात किया जाए, बाज़ार परिस्थिति पर आधारित होगा ।

12. प्रचालन एवं अनुरक्षण व्यय।— आयोग मानक आधार पर प्रचालन एवं अनुरक्षण लागत नियत करने का प्रयास करेगा और ऐसी लागत, जो पहली पुनर्विलोकन कालावधि में वास्तविक व्यय अथवा आयोग द्वारा अनुज्ञात व्यय में से कम हो, आधार मूल्य मान्य होगी और अनुमोदित आधार मूल्य को, पश्चात् वर्ती वर्षों के लिए, पूर्वावधारित उपभोक्ता मूल्य सूचकांक (सी०पी०आई०) या थोक मूल्य सूचकांक (डब्ल्यू० पी०आई०) या दोनों सूचकांकों के समुच्चय द्वारा सूचकृत किया जा सकेगा ।

13. छूंबंत ऋण के बारे में उपबन्ध।— अनुज्ञाप्तिधारी द्वारा प्राप्तियों का संपरीक्षण करवाने के उपरान्त, आयोग, विक्रय राजस्व की प्रतिशतता के रूप में तथा प्रबुद्ध वाणिज्यक परिपाटी के अनुसार, अनुज्ञाप्तिधारी की राजस्व अपेक्षाओं में छूंबंत ऋण के बारे में उपबन्धित करने के लिए अनुज्ञात कर सकेगा ।

14. अवक्षयण।— (1) टैरिफ अवधारण के प्रयोजन हेतु, अवक्षयण दर को अस्ति उपयोगिता कालावधि से जोड़ा जाएगा :

परन्तु यह कि आयोग, ऋण प्रतिसंदाय के लिए धन की अपर्याप्ति की दशा में, उच्चतर अवक्षयण दर अनुज्ञात कर सकेगा ।

(2) आयोग अनुज्ञेय अवक्षयण के अतिरिक्त अवक्षयण पर अग्रिम के लिए विचार कर सकेगा, यदि —

(क) वर्ष में अवक्षयण पर लिया गया अग्रिम और अवक्षयण मिलाकर मूल ऋण राशि के 1/12 भाग से अधिक न हो; तथा

(ख) परियोजना की कालावधि में कुल अवक्षयण मूल परियोजना लागत के 90 प्रतिशत से अधिक न हो ।

15. वितरण क्षति।— (1) विभिन्न वोल्ता स्तरों पर तथा विभिन्न उपभोक्ता प्रवर्ग के सम्बन्ध में क्षति प्रक्कलन की वास्तविक आधार रेखा नियत करने हेतु आयोग या तो,

स्वपर्यवेक्षणाधीन अनुज्ञप्तिधारियों से उचित क्षति प्राक्कलन अध्ययन करने की अपेक्षा कर सकेगा, या स्वतः ऐसा अध्ययन आरम्भ कर सकेगा।

(2) अनुज्ञप्तिधारी द्वारा दाखिल की गई विवरणी में दर्शित आरभिक क्षति स्तर या स्टेकहोर्डर्ज के आवेदनों तथा आक्षेपों के आधार पर, आयोग, पूर्नविलोकन वर्ष के लिए, वास्तविक तथा प्रतिपूर्तिनीय क्षति लक्ष्य मन्जूर करेगा तथा इस मन्जूर क्षति लक्ष्य का उपयोग उस वर्ष के विद्युत क्रय/विद्युत विक्रय प्रकल्प के लिए किया जाएगा।

(3) अनुज्ञप्तिधारी क्षति में भारी कमी करने के मुकाबले में लक्ष्य पूर्ति करने से हुए वित्तीय लाभ का कुछ भाग उपभोक्ताओं को भी देगा, सारी हानि अनुज्ञप्तिधारी को ही धारित करनी होगी।

16. पूर्वानुमानित विक्रय – (1) अनुज्ञप्तिधारी विचाराधीन कालावधि के लिए, विद्युत विक्रय प्रत्येक उपभोक्ता प्रवर्ग तथा प्रत्येक स्तर के लिए विद्युत मांग, उपभोक्ता संख्या तथा भार प्रोफाईल का पूर्वानुमान लगाएगा और आयोग, इसको स्वीकार और अंगीकृत करने से पूर्व, इसकी युक्तियुक्ता, इसका अनुज्ञप्तिधारियों से सम्बन्धित सभी सिद्धान्तों तथा पिछले पूर्वानुमानित विक्रय के रूख से तालमेल का परीक्षण करेगा।

(2) विनियम 7 के अध्यधीन दाखिल की जाने वाली संकलित राजस्व अपेक्षाविवरणी (ए.आर.आर.) में –

- (क) चालू मन्जूर टैरिफ की तत्सम कालावधि में, उप-विनियम (1) में निर्दिष्ट पूर्वानुमानित मांग, जो उपभोक्ता अथवा उपभोक्ता वर्ग की पूर्वानुमानित मांग के परिणामस्वरूप हो, तथा भावी संकलित राजस्व की संगणना का आधार हो, दी जाएगी;
- (ख) विनिर्दिष्ट कालावधि में प्रत्येक उपभोक्ता प्रवर्ग की मांग के लिए, उप-विनियम (1) में उपदर्शित मांग स्तर के लिए अपेक्षित सेवा की अनुज्ञप्तिधारी की अनुमानित लागत, जो विद्युत (प्रदाय) अधिनियम, 1948, विद्युत अधिनियम, 2003 द्वारा उसके निरसन के पूर्व यथा लागू की छठी सूची में दिए गए वित्तीय सिद्धान्तों अथवा आयोग द्वारा, समय-समय पर, निर्दिष्ट सिद्धान्तों के अनुसार परिकलित की जाए, की संगणना दी जाएगी।

(3) भविष्य में पूर्वानुमान प्रक्रिया को सुकर बनाने हेतु अनुज्ञप्तिधारी, उनकी मांगों से सम्बन्धित वांछित विशिष्टियों सहित, सभी उपभोक्ताओं के आंकड़े विकसित करेगा।

(4) पूर्वानुमानित विक्रय आंकड़ो का उपयोग प्रोद्भूत राजस्व के प्राक्कलन के लिए किया जाएगा ।

17. उत्पादन कम्पनियां तथा आबद्ध उत्पादन केन्द्र।— अधिनियम की धारा 10 की उप-धारा (3) के खण्ड (क) में यथा उपबन्धित के अनुसार, उत्पादन कम्पनियां तथा अन्य व्यक्ति जिन्होंने राज्य में उत्पादन केन्द्र, जिसमें आबद्ध उत्पादन केन्द्र भी आते हैं, स्थापित किए हुए हैं और वे व्यक्ति जो ऐसे उत्पादन केन्द्र, जिनमें आबद्ध उत्पादन केन्द्र भी आते हैं; स्थापित करना चाहते हैं, इन विनियमों की अधिसूचना के 30 (तीस) दिन के भीतर, अथवा केन्द्र पर विद्युत उत्पादन के प्रारम्भ से 30 (तीस) दिन के भीतर, इन में जो भी पश्चात्वर्ती हो, उपाबन्ध-1 के अनुसार, आयोग को, उत्पादन केन्द्र का तकनीकी विवरण प्रस्तुत करेगा ।

18. विद्युत उपापन तथा क्रय।— (1) अधिनियम के उपबन्धों तथा वितरण अनुज्ञाप्तिधारी की अनुज्ञाप्ति की शर्तों के अनुसार, प्रत्येक वितरण अनुज्ञाप्तिधारी अपने कारबार के लिए अपेक्षित विद्युत का, मितव्ययी एवं दक्षतापूर्ण रीति से और पारदर्शी विद्युत क्रय तथा उपापन प्रक्रिया द्वारा तथा न्यूनतम लागत क्रय के सिद्धान्तों पर सामान्यतः आधारित क्रय अथवा उपापन करेगा ।

(2) आयोग उन निबन्धनों पर, जो वह समय-समय पर विनिश्चित करे, वितरण अनुज्ञाप्तिधारी द्वारा विद्युत क्रय को लघुकालिक विद्युत क्रय अथवा दीर्घकालिक विद्युत क्रय में वर्गीकृत कर सकेगा ।

(3) लघुकालिक क्रय तथा दीर्घकालिक क्रय जो वितरण अनुज्ञाप्तिधारी अपने अनुज्ञाप्ति कारवार के प्रयोजन के लिए करे, को विनियमित करने के लिए आयोग, समय-समय पर, मार्गदर्शन, पद्धति-निर्देश तथा आदेश जारी कर सकेगा ।

(4) (क) वितरण विद्युत आयोग का समाधान करेगा कि दीर्घकालिक अतिरिक्त विद्युत उपापन उन घटनाओं के कारणवश है जो उसके युक्तियुक्त नियंत्रण से परे हैं तथा लघुकालिक विद्युत क्रय की दशा में, उक्त अतिरिक्त लघु कालिक क्रय परिस्थितियों के अधीन आवश्यक हो गया है ।

(ख) जब तक आयोग, साधारण अथवा विशेष आदेश द्वारा, वितरण अनुज्ञाप्तिधारी का विद्युत उपापन मन्जूर नहीं कर देता है, तब तक वितरण अनुज्ञाप्तिधारी आबद्धकर एवं प्रवर्तनीय संविदाजात प्रतिबद्धता के लिए कोई करार नहीं करेगा ।

(5) जब तक आयोग, साधारण अथवा विशेष आदेश द्वारा, अन्यथा मन्जूर नहीं करता है, तब तक वितरण अनुज्ञाप्तिधारी दीर्घकालिक विद्युत क्रय अथवा उपापन आयोग द्वारा मन्जूर प्रतियोगी उपापन प्रक्रिया से ही करेगा ।

(6) (क) वितरण अनुज्ञाप्तिधारी आयोग का समाधान करेगा कि प्रतियोगी बोली प्रक्रिया से अन्यथा दीर्घकालिक विद्युत क्रय द्वारा उपाप्त की गई विद्युत, अथवा विद्युत का लघु कालिक क्रय विद्यमान परिस्थितियों में न्यूनतम मूल्य पर अथवा सस्ता है तथा वितरण अनुज्ञाप्तिधारी ने क्रय मूल्य को कम कराने के लिए सभी व्यवहार कुशल तथा सर्वोत्तम प्रयास किए हैं।

(ख) यदि उक्त विद्युत उपापन की प्रस्तावित रीति न्यूनतम क्रय मूल्य के उद्देश्य के अनुरूप नहीं है या किसी अन्य कारण से क्रय सस्ता अथवा दक्षतापूर्ण नहीं है तो आयोग ऐसे लघु कालिक अथवा दीर्घकालिक क्रय को अनुज्ञात नहीं कर सकेगा।

(7) उत्पादन कम्पनियां, अनुज्ञाप्तिधारी कम्पनियों अन्य अनुज्ञाप्तिधारियों, प्राधिकारियों तथा सम्बन्धित व्यक्तियों से समन्वय के साथ वितरण अनुज्ञाप्तिधारी अपने कारबार के लिए विद्युत मांग का पूर्वानुमान लगाएगा तथा प्रस्ताव तैयार करेगा। वितरण अनुज्ञाप्तिधारी उक्त मांग को पूरा करने के लिए विद्युत उपापन योजना आयोग को, उस रीति से, जैसे आयोग निर्दिष्ट करे, प्रस्तुत करेगा।

(8) वितरण अनुज्ञाप्तिधारी अपने नियंत्रणाधीन वितरण तन्त्र तथा उपाप्त विद्युत के, राज्य के भीतर अथवा राज्य से बाहर, पारेषण के लिए उपलब्ध इंतजाम से सम्बन्धित विवरण आयोग को देगा तथा आयोग द्वारा अनुमोदित विद्युत उपापन योजना के अनुसार उसको वितरित करेगा।

(9) अनुज्ञाप्तिधारी द्वारा अपनी संसाधन योजना, विद्युत क्रय तथा उपापन योजना, पारेषण तन्त्र और वितरण तन्त्र की योजना, प्रतियोगी उपापन प्रक्रिया के साथ अनुज्ञाप्तिधारी द्वारा उर्जा क्रय से सम्बन्धित सभी अन्य बातों का विवरण आयोग द्वारा जारी मार्गदर्शन तथा प्रक्रिया निदेशों में यथा उपबन्धित के अनुसार दिया जाएगा।

(10) इस विनियम के अनुसार वितरण अनुज्ञाप्तिधारियों के लिए टैरिफ अवधारित करते हुए, आयोग, इस विनियम के अध्यधीन उस द्वारा वितरण अनुज्ञाप्तिधारियों की विद्युत क्रय तथा उपापन प्रक्रिया को दी गई मन्जूरी तथा इस विनियम के निबन्धनों के अनुपालन में अनुज्ञाप्तिधारियों द्वारा की गई कार्रवाई तथा बरती गई कुताही, पर विचार करेगा।

(11) विद्युत क्रय की मन्जूर मात्रा लक्षित वितरण हानि तथा विनियम 16 के अधीन सारी पूर्वानुमानित क्रय का योग होगी और उसका मूल्यांकन आयोग द्वारा सहमत विद्युत क्रय करारो, थोक प्रदाय करारो इत्यादि पर आधारित मूल्य पर होगा।

(12) आयोग विद्युत क्रय के मन्जूर स्तर से अधिक विद्युत क्रय पर विचार नहीं करेगा। फिर भी अनुज्ञप्तिधारी, किसी अन्य स्त्रोत से विद्युत उपाप्त कर सकेगा :

परन्तु यह कि यदि वास्तविक क्रय तथा आयोग के आदेश में अन्तर हैं, तो पारिणामिक वित्तीय लाभ या हानि का आगामी वर्ष की संकलित राजस्व अपेक्षादिवरणी (ए0आर0आर0) में समायोजन किया जाएगा :

परन्तु यह और कि अनुज्ञप्तिधारी लाभांशाबंटन सूत्र (फारमूला) के अधीन, अतिरिक्त विद्युत क्रय का लाभ प्रतिधारित करेगा और उसको अतिरिक्त विद्युत क्रय से कारित हानि उपभोक्ताओं को प्रभावित नहीं करेगी:

परन्तु यह और भी कि अनुज्ञप्तिधारी उच्च आवृति पर अध्यादित विद्युत से प्रोत्साहन के रूप में लाभ उठा सकेगा और न्यून आवृति पर अध्यादित विद्युत से हुई हानि को अमिलित करा सकेगा ।

(13) अनुज्ञप्तिधारियों द्वारा उपाप्त विद्युत की लागत को अधिकतम उपयोगी बनाने के लिए, आयोग, गुणागुणधारित क्रय में वितरण अनुज्ञप्तिधारियों द्वारा उत्पादकों/अन्य स्त्रोतों से सीधे विद्युत उपापन हेतु, निम्न बातों का ध्यान रखते हुए मार्गदर्शक सिद्धांत अधिकथित कर सकेगा –

(क) विभिन्न मौसमों में भार प्रोफाईल;

(ख) तकनीकी मज़बूरियां ;

(ग) संविदाजात वाध्यताओं को सम्यक् ध्यान में रखने के उपरान्त, परिहार्य लागत (चाहे वह अपनी विद्युत उत्पादन से हो अथवा क्रय से उद्भूत हो) ।

(14) संविदाजात वाध्यताओं तथा तकनीकी मज़बूरियों का सम्यक् ध्यान रख कर, अधिकतम गुणागुणधारित क्रय में, अवधारित विद्युत क्रय व्यय वार्षिक राजस्व अपेक्षाओं में पास थू (Pass through) व्यय समझा जाएगा ।

(15) वास्तविक अल्पकालिक कमी की दशा में अनुज्ञप्तिधारी किसी अनुकूल्यिक स्त्रोत से विद्युत उपाप्त कर सकेगा। आयोग, विद्युत क्रय के लिए, अधिकतम टैरिफ सीमा निश्चित कर सकेगा और वह आगामी टैरिफ कालावधि की वार्षिक राजस्व अपेक्षाओं में पास थू (Pass through) मानी जाएगी ।

(16) इंधन मूल्य में बदलाव के साथ इंधन लागत, जिसमें स्थिर लागत, परिवर्तनीय लागत तथा विद्युत क्रय के संदर्भ में बदलाव भी शामिल है, का स्वतः पुनर्रक्षण होता रहेगा और अनुज्ञाप्तिधारियों से अपेक्षा की जाएगी कि वे इंधन लागत में बदलावों की संगणना करें तथा टैरिफ में त्रैमासिक आधार पर, उसका समुचित दावा या प्रतिदाय करें।

19. उत्पादक से विद्युत क्रय.— (1) आयोग अनुज्ञाप्तिधारी द्वारा उत्पादन कम्पनी से विद्युत क्रय तथा उपापन के लिए, विनियम 18 के अनुसार, टैरिफ मन्जूर कर सकेगा तथा उक्त मन्जूरी पर, उत्पादन कम्पनी उपबन्धित टैरिफ के अनुसार, आयोग द्वारा मन्जूर विद्युत क्रय करार के निबन्धनों तथा शर्तों पर, अनुज्ञाप्तिधारी को विद्युत का विक्रय करने की हकदार होगी।

(2) आयोग, उत्पादन कम्पनी के उत्पादन केन्द्र से विद्युत विक्रय के लिए, टैरिफ अवधारित कर सकेगा तथा उत्पादन कम्पनी, तदउपरान्त, उन निबन्धनों एवं शर्तों, जिन्हें आयोग अधिकथित करे, के अधीन रहते हुए, आयोग द्वारा अवधारित टैरिफ पर विद्युत विक्रय करने के लिए करार कर सकेगी:

परन्तु अनुज्ञाप्तिधारी द्वारा, विनियम 18 के अनुसार निष्पादित विद्युत क्रय करार अथवा उपापन तथा आयोग द्वारा, समय—समय पर, उस प्रयोजन हेतु अधिकथित निबन्धनों एवं शर्तों के अनुसरण के अतिरिक्त, विद्युत उत्पादन टैरिफ का अवधारण उत्पादन कम्पनी को किसी अनुज्ञाप्तिधारी को दीर्घकालिक आधार पर विद्युत विक्रय करने का हक नहीं देगा:

परन्तु यह और कि उत्पादन कम्पनी को विनियम 18 के उप-विनियम (1) से (11) के अतिरिक्त, अवधारित उत्पादन टैरिफ अनुज्ञाप्तिधारियों को अल्पकालिक आधार पर विद्युत विक्रय करने का हक नहीं देगा।

20. व्यापारी से विद्युत क्रय.— (1) आयोग अनुज्ञाप्तिधारी द्वारा विद्युत व्यापारी से विद्युत क्रय तथा उपापन के लिए विनियम 18 के अनुसार, टैरिफ मन्जूर कर सकेगा तथा उक्त मन्जूरी पर विद्युत व्यापारी, उपबन्धित टैरिफ के अनुसार, आयोग द्वारा मन्जूर विद्युत क्रय करार के निबन्धनों तथा शर्तों पर, अनुज्ञाप्तिधारी को विद्युत का विक्रय करने का हकदार होगा।

(2) आयोग, समय—समय पर, राज्य में विद्युत व्यापार के लिए विद्युत व्यापारी के लिए व्यापार लाभ सीमा नियत कर सकेगा।

(3) विद्युत व्यापारी के लिए व्यापार लाभ सीमा अवधारित होने पर भी, विनियम 18 के उपबन्धों के सिवाय, अनुज्ञाप्तिधारियों को विद्युत क्रय का अधिकार नहीं होगा और आगे को उक्त विक्रय आयोग द्वारा इस निमित अधिकथित निबन्धनों एवं शर्तों के अध्यधीन होगा।

21. लाभांशबंटन।—(1) पुनर्विलोकन कालावधि के आरम्भ में अनुज्ञाप्तिधारी को युक्तियुक्त मन्जूर प्रत्यागम उपलब्ध कराया जाएगा :

परन्तु यह कि क्योंकि अनुज्ञाप्तिधारी को कोई भी लाभ प्रत्यांभूत (गारंटीकृत) या सुनिश्चित नहीं किया गया है, अनुज्ञाप्तिधारी युक्तियुक्त मन्जूर प्रत्यागम से अधिक लाभ उपार्जित कर सकेगा ।

(2) युक्तियुक्त मन्जूर प्रत्यागम से अधिक लाभ की दशा में, आयोग –

- (क) 1/3 भाग शेयरधारकों को देय भागांश घोषित करेगा; यहां इस राशि का संदाय भागांश के रूप में नहीं किया जाता है वहां उस सीमा तक यह इक्यूटी का हिस्सा समझा जाएगा और इस पर प्रत्यागम उपार्जित होगा । इस से लाभांश की भावी घोषणा, प्रत्यागम के प्रयोजन के लिए, इक्यूटी आधार में अनुरूप कमी का कारक होगी ;
- (ख) 1/3 भाग उपभोक्ताओं को, उपभोक्ता बिल में कमी करते हुए, रिवेट के रूप में वापिस किया जाएगा;
- (ग) 1/3 भाग, जिसका उपयोग आगामी वर्षों की संकलित राजस्व अपेक्षाविवरणी (ए0आर0आर0) में बढ़ोत्तरी में कमी लाने के लिये किया जाएगा, टैरिफ अतिशेष आरक्षित निधि के रूप में रखा जाएगा :

परन्तु यह कि आयोग, प्रति तीन वर्ष में, कुल आरक्षित निधि का कुछ भाग संकलित राजस्व अपेक्षाओं (ए0आर0आर0) में कटौती कर के, उपभोक्ताओं को लौटाने के लिए अनुज्ञात कर सकेगा :

परन्तु यह और कि टैरिफ अतिशेष आरक्षित निधि में राशि इक्यूटी का भाग नहीं होगी तथा शेयरधारकों के लिए प्रत्यागम उपार्जित नहीं करेगी और इस आरक्षित निधि पर उपार्जित प्रत्यागम आरक्षित निधि में वापिस जोड़ा जाएगा ।

22. विनियामक आस्तियाँ।— आयोग, स्वविवेकानुसार, अनुज्ञाप्तिधारी द्वारा प्रस्तुत तथा आयोग द्वारा मन्जूर विनियामक आस्तियाँ के क्रार्मिक अपाकरण तथा वित्तपोषण के लिए नियम विनिर्दिष्ट करते हुए, विनियामक आस्तियाँ के लिए उपबन्धित कर सकेगा :

परन्तु यह कि विनियामक आस्तियों का उपयोग, केवल अपरिहार्य घटनाओं अथवा अनियंत्रणीय कारणों से लागत में बदलाव अथवा इन्हीं कारणों से हुए टैरिफ आघात से उभरने के लिए ही किया जाएगा ।

भाग -4 थोक प्रदाय टैरिफ तथा अंतरीय (भेददर्शक) उत्पादन और पारेषण टैरिफ

23. थोक प्रदाय टैरिफ— (1) वितरण अनुज्ञापिधारी सीधे उत्पादन केन्द्र से विद्युत क्रय कर सकेंगे । आयोग एकरूपतामक थोक टैरिफ तथा प्रतिसाहायिकी के भिन्न स्तर, जो उपभोक्ता हित के कारण हैं, से सम्बन्धित विवादकों को सुलझाने हेतु, अंतरीय (भेददर्शक) थोक प्रदाय टैरिफ क्रियाविधि अपना सकेगा ।

(2) अंतरीय (भेददर्शक) थोक प्रदाय टैरिफ अवधारित करते हुए, आयोग, थोक प्रदाय के पूर्वानुमान को सुनिश्चित करने, कार्यकुशलता अभिलाभों का संरक्षण करने तथा प्रदाय टैरिफ की गणना करने के लिए स्पष्ट सूत्र बनाएगा ।

24. पीक तथा ऑफ पीक टैरिफ— (1) आयोग, समयबद्ध तरीके से, वितरण अनुज्ञापिधारियों को पृथक पीक तथा ऑफ पीक टैरिफ अपनाने के लिए प्रोत्साहित करेगा और अंतरीय विद्युत उत्पादन तथा पारेषण टैरिफ भी लागू करेगा । आरम्भ में, आयोग, बड़े, मध्यम तथा लघु उद्योगिक, वाणिज्यिक तथा जलपर्पिण उपभोक्ताओं के लिए दिन के भाग ('टाइम आफ दी डे') के अनुसार टैरिफ लगा सकेगा और धीरे-धीरे अन्य मुख्य उपभोक्ता प्रवर्गों को समयबद्ध रीति से, इसके अन्तर्गत लाएगा ।

(2) आयोग व्यापक उपभोक्ता वर्गीकरण तथा अंतरीय टैरिफ के क्रियान्वयन के लिए समय सीमा विनिर्दिष्ट करेगा और आयोग, अंतरीय टैरिफ विनिर्दिष्ट करते हुए पीक, ऑफ पीक तथा सामान्य उपभोग की कालावधि भी अधिसूचित करेगा ।

25. शक्तिगुण तथा भारकारक सम्बन्धित टैरिफ— (1) प्रचालन तथा अधिकतम क्षमता उपभोग में दक्षता अभिवृद्धि करने हेतु, आयोग उपभोक्ताओं को उच्च शक्तिगुणक तथा भारकारक बनाए रखने के लिए छूट (रिबेट) के लिए प्रावधान कर सकेगा ।

(2) बेहतर शक्तिगुणक तथा उच्चतर भारकारक प्रोत्साहित करने के लिए उपभोक्ताओं, जिनके पास समुचित मीटर हैं, के लिए के०डब्ल्यू०५० के स्थान पर पार्ट-टू के०वी०५० जमा के०वी०५० एच० टैरिफ करने पर विचार कर सकता है ।

भाग-5 चक्रण

26. चक्रण.- (1) अनुज्ञापिधारी उपभोक्ताओं को खुली पहुंच से उपयोग की अविभेदकारी व्यवस्था करेगा और चक्रण टैरिफ के प्रयोजन के लिए उस अवधि में, जो आयोग विनिर्दिष्ट करे, चक्रण सेवा का उपयोग करने वाले व्यक्ति से प्रभार, दोनों नकदी अथवा वस्तु के रूप में, लिया जाएगा ।

(2) उपभोक्ता प्रवर्ग के लिए नकद चक्रण भार डाक महसूल स्टांप पद्धति पर आधारित होगा और इसमें वितरण अनुज्ञापिधारी के द्वारा अपने "प्योर वायर" कारबार पर उपगत लागत भी शामिल होगी । यह लागत कारबार से व्युत्पन्न आय, यदि कोई हो, उस अनुपात से, जैसे आयोग निर्दिष्ट करे, घटाई जाएगी ।

(3) आगामी टैरिफ कालावधि में वितरण अनुज्ञापिधारी द्वारा परियोजित विक्रय इकाईयों (युनिटों) तथा उस द्वारा अपने नेटवर्क द्वारा चक्रित इकाईयों (युनिटों) को हिसाब में लेते हुए चक्रण प्रभार की संगणना की जाएगी ।

(4) चक्रण संव्यवहार की दशा में, वस्तु के रूप में प्रभार लेने के बारे में, सन्नियमित वितरण प्रणाली की तकनीकी क्षति उपभोक्ता द्वारा धारित की जाएगी और वह बोल्ता स्तर पर आधारित होगी ।

भाग-6 साहायिकी

27. राज्य सरकार द्वारा साहायिकी.- (1) राज्य सरकार, किसी समय जैसे वह उचित समझें, आयोग द्वारा अवधारित टैरिफ में किसी उपभोक्ता प्रवर्ग अथवा प्रवर्गों को साहायिकी के लिए प्रस्ताव कर सकती है और उक्त प्रस्ताव प्राप्त होने पर आयोग साहायिकी की सदत्त की जाने वाली राशि तथा ऐसे संदाय के निबन्धन एवं शर्तें जिसमें राज्य सरकार द्वारा साहायिकी के विनिश्चय से प्रभावित व्यक्ति को साहायिकी सदत्त की जाने की रीति भी है, अवधारित करेगा ।

(2) टैरिफ अवधारण करते हुए, आयोग, उस साहायिकी, जो राज्य सरकार ने किसी उपभोक्ता प्रवर्ग अथवा प्रवर्गों की देनी तह की है, को हिसाब में लेगा ।

(3) आयोग के निर्णय की तारीख को राज्य सरकार द्वारा प्रस्तावित साहायिकी को सम्यक् रूप में हिसाब में लेते हुए, आयोग द्वारा अवधारित टैरिफ प्रकाशित किया जाएगा ।

(4) इन विनियमों में कोई^{उपर्युक्त} भी बात अन्यथा होते हुए भी, यदि अधिनियम की धारा 65 के उपबन्धों के अधीन राज्य सरकार द्वारा संदाय नहीं किया जाता है तो राज्य सरकार का

कोई भी निर्देश प्रभावी नहीं होगा। उस दशा में जब निर्देश प्रभावी नहीं होता है, तो राज्य सरकार द्वारा दी जाने वाली साहायिकी की राशि अनुज्ञप्तिधारियों द्वारा सम्बन्धित उपभोक्ता प्रवर्ग अथवा प्रवर्गों से प्रभावित टैरिफ में जोड़ी जाएगी।

(5) अनुज्ञप्तिधारी, आयोग का यह समाधान करते हुए कि अनुज्ञप्तिधारी द्वारा राज्य सरकार से प्राप्त साहायिकी की राशि को सम्यक् रूप से हिसाब में ले लिया गया है और उस प्रयोजन, जिसके लिए साहायिकी दी गई, के उपयोग में लाई गई है।

भाग - 7 अधिभार

28. अधिभार- (1) प्रतिसाहायिकी की समाप्ति से हुई हानि को ध्यान में रखते हुए, आयोग, उन उपभोक्ताओं या उपभोक्ता प्रवर्ग, जिन्होंने मूल वितरण अनुज्ञप्तिधारी से भिन्न किसी अन्य से खुली पहुंच से विद्युत लेने का निश्चय किया है, द्वारा धारित किया जाने वाला, अधिभार अवधारित करेगा और ऐसे वसूल किये गए अधिभार का उपयोग चालू प्रतिसाहायिकी की अपेक्षाओं को पूरा करने के लिए किया जाएगा तथा प्रतिसाहायिकी की समाप्ति से मूल अनुज्ञप्तिधारी को हुई सारी हानि का, इन अधिभारों से प्रतिकार किया जाएगा।

(2) प्रतिसाहायिकी की संगणना के प्रयोजन के लिए, उस प्रवर्ग की विद्युत प्रदाय सेवा लागत तथा उस प्रवर्ग की टैरिफ की औसत वसूली का ध्यान रखा जाएगा। जहां आंकड़े उपलब्ध नहीं हैं वहां अंतरिम व्यवस्था के रूप में अधिभार प्रत्येक प्रवर्ग की विद्युत प्रदाय सेवा लागत की बजाय औसत लागत पर आधारित होगा।

29. अतिरिक्त अधिभार- (1) जहां उपभोक्ता खुली पहुंच का लाभ उठाता है, तो वहां आयोग, वितरण अनुज्ञप्तिधारी पर विद्युत प्रदाय की अधिरोपित बाध्यता से उद्भूत लागत की पूर्ति करने के लिए, अतिरिक्त अधिभार अवधारित कर सकेगा और उस अतिरिक्त अधिभार का, उस अवधि में, जिसमें नियत लागत उत्कुलित (अटकी) रहती है, संग्रहण अनुज्ञात कर सकेगा।

(2) उन सभी मामलों में जिनमें लागत उत्कुलित (अटकी) रहती है, अतिरिक्त अधिभार का उपयोग किया जाएगा :

परन्तु यह कि उस दशा में यदि उपभोक्ता द्वारा वितरण अनुज्ञप्तिधारी के बदलने के कारण निर्मुक्त क्षमता का उपयोग उत्पादकतयः होता है तो उत्कुलित लागत अंतर्वलित नहीं समझी जाएगी।

भाग-8 सेवा गुणवता

30. सेवा गुणवता – (1) आयोग, अनुज्ञाप्तिधारियों और ऐसे व्यक्तियों से जिनके प्रभावित होने की संभावना है से परामर्श करने के पश्चात्, अनुज्ञाप्तिधारी के लिए (स्थानीय प्रस्थितियों पर आधारित) निष्पादन के वास्तविक मानक विनिर्दिष्ट करेगा और उनमें, समय–समय पर, सुधार ला सकेगा। इन मानकों के अनुपालन की दशा में, आयोग, जैसे वह अवधारित करे, प्रभावित उपभोक्ताओं के लिए प्रतिकर अधिनिर्णीत कर सकेगा।

(2) अनुज्ञाप्तिधारियों द्वारा प्रस्तुत आंकड़ों की संपरीक्षा करने हेतु, आयोग स्वतन्त्र अभिकरणों की सेवा ले सकेगा और स्वतन्त्र अभिकरणों के माध्यम से उपभोक्ता तुष्टि कालिक सर्वेक्षण भी करवा सकेगा।

भाग-9 टैरिफ़ आदेश तथा उसका पुनरीक्षण

31. सुनवाई.– (1) आयोग उत्पादन कम्पनियों अथवा अनुज्ञाप्तिधारियों के राजस्व परिकलन तथा टैरिफ़ प्रस्तावों की सुनवाई के लिए कार्यवाही करेगा और ऐसे राजस्व परिकलन तथा टैरिफ़ प्रस्ताव पर निर्णय से पूर्व, आयोग उन व्यक्तियों को, जिन्हें वह उचित समझें, सुन सकता है।

(2) उत्पादन कम्पनी अथवा अनुज्ञाप्तिधारी के राजस्व परिकलन तथा टैरिफ़ प्रस्ताव की प्रक्रिया उस रीति से होगी जैसी आयोग समय–समय पर विनिश्चित करे।

32. आयोग का आदेश.– (1) उत्पादन कम्पनी अथवा यथास्थिति अनुज्ञाप्तिधारी तथा ऐसे अन्य पक्षों की सुनाई तथा ऐसी अन्य जांच, जैसे आयोग उचित समझें, के उपरान्त आयोग राजस्व परिकलन और प्रस्तावित टैरिफ़ पर आदेश पारित करेगा तथा उत्पादन कम्पनी अथवा अनुज्ञाप्तिधारी को अपने विनिश्चय से सूचित करेगा।

(2) उप–विनियम (1) के अध्यधीन आदेश पारित करते हुए अथवा उसके उपरान्त, आयोग अवधारित टैरिफ़, जो उत्पादन कम्पनी अथवा अनुज्ञाप्तिधारी आगामी अवधि में विभिन्न उपभोक्ताओं अथवा उपभोक्ता प्रवर्गों से भारित करेगा, के प्रकाशन के लिए निर्देश दे सकेगा।

(3) आयोग, आदेश के 7 (सात) दिन के भीतर, आदेश की एक प्रति, राज्य सरकार, केन्द्रीय विद्युत प्राधिकरण तथा सम्बन्धित अनुज्ञाप्तिधारियों तथा सम्बन्धित व्यक्तियों को भेजेगा।

33. प्रकाशन.– (1) उत्पादन कम्पनी अथवा पारेषण अथवा वितरण अनुज्ञाप्तिधारी आयोग द्वारा मन्जूर टैरिफ़ को, प्रदाय क्षेत्र में परिचालित समाचार पत्रों में, आयोग यथा निर्देशित करे, प्रकाशित करेगा। प्रकाशन करते हुए उन सभी बातों के साथ–साथ, जैसे

आयोग अपेक्षित करे, टैरिफ़ बदलाव का साधारण विवरण तथा उसका उपभोक्ता प्रवर्ग पर प्रभाव का भी उल्लेख किया जाएगा।

(2) उप-विनियम (1) में प्रकाशित टैरिफ़, सम्बन्धित क्षेत्र में लागू अधिसूचित टैरिफ़ होगा। टैरिफ़ में वृद्धि की दशा में, टैरिफ़ उतने दिनों, जितने आयोग निर्देशित करे, जो टैरिफ़ के प्रथम प्रकाशन से सात (7) दिन से कम नहीं होगा, के अवसान पर ही प्रभावी होगा।

34. उपभोक्ता बिल।— (1) प्रदाय की गई अथवा पारेषित की गई विद्युत अथवा उपभोक्ताओं को दी सेवा के लिए, उत्पादन कम्पनी अथवा अनुज्ञाप्तिधारी, अधिसूचित टैरिफ़ तथा इन विनियमों के विनियम 27 के उप-विनियम (4) के अनुसार ही बिल देगा।

(2) उपभोक्ता बिलों में उपभोक्ता को विद्युत प्रदाय के लिए इकाई के आधार पर आयोग द्वारा अवधारित मूल्य, राज्य सरकार द्वारा उपभोक्ता वर्ग के लिए मन्जूर साहायिकी, यदि कोई हो, तथा साहायिकी का इकाई के आधार पर मूल्य, उपभोक्ता द्वारा देय राशि तथा राज्य सरकार से मन्जूर साहायिकी को हिसाब में न लेते हुए, लागू किए गए टैरिफ़ में उपभोक्ता वर्ग के लिए मन्जूर की गई प्रतिसाहायिकी का सुस्पष्ट उल्लेख किया जाएगा।

35. टैरिफ़ पुनरीक्षण।— (1) किसी भी वित्तीय वर्ष में एक से अधिक बार, आयोग द्वारा अवधारित टैरिफ़ का संशोधन नहीं किया जा सकेगा :

परन्तु यह कि आयोग अपरिहार्य घटना या अनयंत्रणीय कारणों से लागत में बदलाव, जैसे किसी उत्पादन कम्पनी अथवा अनुज्ञाप्तिधारी जो दूसरे अनुज्ञाप्तिधारी को विद्युत प्रदाय करता है, के लिए पूर्व अवधि टैरिफ़ अवधारण के कारण एक वित्तीय वर्ष में एक से अधिक बार टैरिफ़ का पुनरीक्षण अनुज्ञात कर सकता है।

(2) राज्य सरकार द्वारा मन्जूर साहायिकी को लागू करने के लिए, आयोग द्वारा दिया गया पारिणामिक आदेश अधिसूचित टैरिफ़ का संशोधन नहीं समझा जाएगा। फिर भी अनुज्ञाप्तिधारी आयोग द्वारा निर्देशित रीति से साहायिकी राशि का उपभोक्ता बिलों में समुचित समायोजन करेगा।

भाग – 10 विविध

36. निर्वचन।— (1) यदि आयोग द्वारा अवधारित टैरिफ़ और/अथवा तत्संबद्ध शर्तों, निर्देशों, आदेशों अथवा निबन्धनों के निर्वचन में किसी प्रकार की कठिनाई आती है तो आयोग, आदेश द्वारा ऐसा स्पष्टीकरण दे सकेगा जो इस अधिनियम तथा इन विनियमों से असंगत नहीं है और उसे कठिनाइयों दूर करने के लिए आवश्यक प्रतीत होता है तथा आयोग का आदेश अंतिम और आबद्धकर होगा।

37. कठिनाईयों को दूर करने की शक्ति.— (1) यदि इन विनियमों में किसी भी उपबन्ध को लागू करने में किसी प्रकार की कठिनाई आती है तो आयोग प्रकाशित आदेश द्वारा ऐसे उपबन्धित कर सकेगा जो इस अधिनियम तथा इन विनियमों से असंगत नहीं हो और जो कठिनाईयां दूर करने के लिए आवश्यक प्रतीत हो :

परन्तु इस विनियम के अधीन कोई आदेश इन विनियमों के प्रारम्भ की तारीख से एक वर्ष के अवसान के पश्चात् नहीं दिया जाएगा ।

(2) इन विनियमों के अधीन दिया गया प्रत्येक आदेश, उसके दिए जाने के पश्चात् यथाशीघ्र विधान सभा के समक्ष रखा जाएगा ।

आयोग के आदेश द्वारा,
हस्ता / —

सचिव ।

(विनियम 17 देखें)

उत्पादन कम्पनी द्वारा तकनीकी विवरण प्रस्तुत करने के लिए रूपविधान

1. साधारण:

- (क) कम्पनी का नाम;
- (ख) रजिस्ट्रीकृत कार्यालय का पता;
- (ग) पत्र-व्यवहार के लिए पोस्टल पता;
- (घ) प्रस्तावित उत्पादन केन्द्र अवस्थिति ।

2. प्रस्तावित उत्पादन इकाई विशिष्टियां:

- (क) संयंत्र की क.वी.ए. में क्षमता;
- (ख) इकाईयां की संख्या;
- (ग) प्रत्येक इकाई की क्षमता;
- (घ) फेज संख्या;
- (ड) शक्तिगुण;
- (च) आवृत्ति (एच.जे.ड.);
- (छ) अन्य उपस्कर की तकनीकी विनिर्देश;
- (ज) उत्पादन बोल्टता ।

3. प्रस्तावित उर्जा संयंत्र ईंधन व्यवस्था:

- (क) कोयला / गैस / नाफता;
- (ख) अन्य (ईंधन का नाम);
(जो लागू नहीं उसे काट दें)

4. ईंधन प्रदाय के लिए टाई-अप व्यवस्था:

- (बड़ी इकाईयों के लिए —— एम.वी.ए. और इससे अधिक)
- (क) क्या ईंधन / कोयला सम्पर्क व्यवस्था सुनिश्चित होती है ? यदि हां तो विवरण दें;
- (ख) क्या ईंधन परिवहन करार कर लिया गया है? यदि हां तो विवरण दें;

5. अन्य तकनीकी विशिष्टियां:

- (क) उत्पादन के प्रारम्भ की प्रस्तावित तारीख;
- (ख) जनरेटर, प्राईयम मूवर, एक्साईटर; स्विचगियर संरक्षण; अनुज्ञाप्तिधारी की अन्तर सम्पर्क सुविधाओं से सम्बन्धित परियोजना के प्रमुख लक्षण ;
- (ग) एम.डब्ल्यू में योजनाबद्ध पीक उत्पादन;
- (घ) संयंत्र का भारकारक;

- (ङ) एम. डब्ल्यू. में उद्योग की वार्षिक विद्युत अपेक्षाओं का योग;
- (च) एम.डब्ल्यू. में उद्योग की पीक अपेक्षाएं;
- (छ) अनुज्ञापितधारी की विद्युत प्रणाली से अन्तरीय सम्पर्क के लिए अपेक्षित वोल्टता;
- (ज) अनुज्ञापितधारी का विद्युत प्रदाय हेतु समीपत्व अन्तरीय सम्पर्क स्थल;
- (झ) यदि उत्पादन इकाईयां समानान्तर रूप से संचालित की जानी प्रस्तावित हैं, तो उनके तालमेल की व्यवस्था;
- (अ) प्रस्तावित अन्तरीय सम्पर्क की प्राक्कलित लागत;

हस्ताक्षर

HIMACHAL PRADESH ELECTRICITY REGULATORY COMMISSION SHIMLA

NOTIFICATION

Shimla, the 8th June, 2004

No. HPERC/381.—The Himachal Pradesh Electricity Regulatory Commission in exercise of the powers conferred by sub-section (1), and clause (zd) of sub-section (2) of section 181 of the Electricity Act, 2003(36 of 2003) and all other powers enabling it in this behalf, after previous publication, hereby makes the following regulations, namely :—

REGULATIONS

PART –I PRELIMINARY

1. Short title and commencement.— (1) These regulations may be called the Himachal Pradesh Electricity Regulatory Commission (Terms and Conditions for Determination of Tariff) Regulations, 2004.

(2) These regulations shall come into force on the 10th day of June, 2004.

2. Scope and extent of application.— (1) These regulations shall apply where the capital cost based tariff is determined by the Commission.

(2) Where tariff has been determined through the process of bidding in accordance with the guidelines issued by the Central Government, the Commission shall adopt such tariff in accordance with the provisions of the Act.

(3) Where tariff has been determined bilaterally between the State Govt. and the generating company and the power purchase agreement has been approved by the Commission based upon such tariff, the Commission shall adopt such tariff together with the terms and conditions of such approved power purchase agreement.

3. Definitions.— In these regulations, unless the context otherwise requires,—

(a) “Act” means the Electricity Act, 2003 (36 of 2003);

- (b) "Commission" means the Himachal Pradesh Electricity Regulatory Commission;
- (c) "Operation and Maintenance Expenses (or O & M Expenses)" means the expenditure incurred in operation and maintenance of distribution system and includes expenditure on employees costs, administrative and general expenses, repairs and maintenance, spares, consumables, insurance and other overheads;
- (d) "regulations" means these regulations;
- (e) "State Government" means the State Government of Himachal Pradesh;
- (f) "surcharge" means the additional payment which the consumer, or category of consumers, pays for exercising option for open access to take supply from a person other than the incumbent distribution licensee.
- (g) other words and expressions used and not defined in these regulations, but defined in the Act, shall have the meanings respectively assigned to them in the Act.

PART -II

GENERAL GUIDING FACTORS FOR DETERMINATION OF TARIFF

4. Determination of Tariff.—(1) The Commission shall, by an order, determine the tariff, under the Act, for—

- (a) supply of electricity by a generating company to a distribution licensee;
- (b) transmission of electricity;
- (c) wheeling of electricity;
- (d) retail sale of electricity.

(2) Tariff determined by the Commission and the directions given in the tariff order by the Commission shall be the *quid pro quo* and mutually inclusive. The tariff determined shall, within the period specified by it, be subject to the compliance of the directions to the satisfaction of the Commission and their non-compliance shall lead to such amendment, revocation, variations and alterations of the tariff, as may be ordered by the Commission.

(3) The tariff Order shall unless amended or revoked, continue to be in force for such period as may be specified in the tariff order. In the event of failure on the part of the licensee to file the Aggregate Revenue Requirement (ARR) under regulation 7, the tariff determined by the Commission shall cease to operate, unless allowed to be continued for a further period with such variations, or modifications, as may be ordered by the Commission.

5. Guiding Factors for Determination of Tariff.— The Commission shall, while determining the tariff, keep in view the factors, namely :—

(a) the principles that will –

- (1) reward performance ;
- (2) stress commercial aspects;
- (3) encourage efficiency, economy, competition and reduction of losses and costs;
- (4) promote cogeneration and generation of electricity from renewable sources of energy;

(b) the guidelines and the procedure, as may be laid down under sub-section

(5) of section 62, for calculating the expected revenues from the tariff and charges and tariff filing;

(c) multi year tariff principles;

(d) broader tariff principles based upon performance based regulatory regime to improve efficiency of operations and ensure predictability in regulatory action;

(e) safeguarding of consumer's interests;

(f) recovery of cost of electricity in a reasonable manner ;

(g) reduction and elimination of cross subsidies;

(h) productivity of investments including the need to link tariff adjustments in the productivity of capital employed, manpower resources and improvements in efficiency of capital and resources;

(i) the need to rationalize tariffs on the basis of bench-marked and performance based costs of generation, transmission and distribution .

6. Charging of permissible tariff.— (1) No generating company or licensee for transmission (intra- State transmission), distribution and supply of power shall, without the prior approval of the Commission, charge any tariff:

Provided that the existing tariff being charged by the licensees or generating companies shall continue to be charged, after the date of the commencement of these regulations, for such period as may be specified by a notification, without prejudice to the powers of the Commission to take up any matter relating to tariff falling within the ambit of regulation 4 of these regulations.

(2) The licensee or generating company shall not charge a tariff in excess of the tariff determined by the Commission and if any licensee or the generating

company recovers a price or charge exceeding the tariff determined under these regulations, without prejudice to any other liability incurred by the licensee or the generating company,—

- (a) the excess amount shall be recoverable by the person who has paid such price or charge, along with interest equivalent to the bank rate ; and
- (b) the generating company or licensee, as the case may be, shall be liable to penalties as are prescribed under sections 142 and 146 of the Act.

PART-III

FILING OF AGGREGATE REVENUE REQUIREMENT

7. Filing of Aggregate Revenue Requirement.— (1) For the determination of tariff, each Generating Company or licensee shall, for the ensuing financial year, file, accompanied by such fees as may be determined by the regulation, the Aggregate Revenue Requirement (ARR) on or before the 30th November of each year in the format as may be laid down by the Commission, containing tariff proposals to deal with the gaps between the expected aggregate revenue at the then prevalent tariff and the expected cost of services including schemes for reduction in loss levels, other efficiency gains to be achieved, the revision in charges and the changes in tariff structure for different categories of consumers.

(2) The Commission, while determining the tariff applicable to generating companies and transmission licensees, shall be guided by the principles and methodologies specified by the Central Electricity Regulatory Commission and the terms and conditions of such tariff notified by the said Commission:

Provided that the Commission for the purpose of determination of tariff may, for sufficient reasons and after taking into consideration factors such as the efficiency of the company putting up the project, interest of the consumers and other factors, decide to differ from the approved capital expenditure:

Provided further that the Commission may, for sufficient reasons and after exercising due diligence and applying prudence check, deviate from the terms and conditions of the generation and transmission tariff notified by the Central Commission.

(3) If a licensee carries on more than one business, the statements referred to in sub-regulation (1) shall be given separately for each separate business of the licensee and in such manner in respect of each such business as the Commission may direct.

(4) The Aggregate Revenue Requirement (ARR) under sub-regulation (1) shall include—

- (a) capital investments, financial costs and rate base;
- (b) working capital; O&M expenditure, provision for bad debts, depreciation and distribution loss;
- (c) sale forecasts;
- (d) power purchases;
- (e) profit sharing;
- (f) regulatory asset;
- (g) the manner in which the gap, if any, between the charges permitted to be recovered and expected revenue calculated shall be bridged; and
- (h) such other information as the Commission may direct.

(5) The Licensee shall furnish to the Commission, such additional information, particulars and documents as the Commission may require from time to time after such filing of revenue calculations and tariff proposals.

(6) The Licensee shall publish for the information of the public, the contents of the application in an abridged form in such manner as the Commission may direct and shall provide copies of the application and documents filed with the Commission at a price not exceeding normal photocopying charges.

(7) For the purpose of computation of revenue requirement, and also for setting the targets for each year under review, the Commission may, by order, broadly classify the costs incurred by the licensees as,—

- (a) controllable costs; and
- (b) non-controllable costs:

Provided that the controllable costs shall be classified by indexing to appropriate indices like the Consumer Price Index (CPI), the Wholesale Price Index (WPI) and the Prime Lending Rate (PLR) etc.:

Provided further that the optimally incurred non-controllable costs, subject to due diligence and prudence check by the Commission, may be treated as pass through.

(8) The Commission may, for the purpose of multi year tariff regime, require a long-term business plan from the licensee.

(9) Where the Commission is satisfied that the appointment of Consultant is essential in order to arrive at just and fair conclusion in any matter before it and so appoints consultant as per its "Appointment of Consultant Regulation", it may, require the generating company or licensee to pay for the same and the same shall be pass through in the Annual Revenue Requirement.

8. Capital investments.—(1) The licensees shall propose in their filings, a detailed capital investment plan, showing separately on going projects that will spill into the year under review and new projects (alongwith their justification) that will commence but may be completed within or beyond the tariff period.

(2) The Commission may consider the licensee's investment plan for approval and for this purpose may require the licensees to provide relevant technical and commercial details. The costs corresponding to the approved investment plan of a licensee for a given year shall normally be considered for its revenue requirement.

(3) In presenting the justification for new projects, the licensees shall detail the specific nature of the works and outcomes sought to be achieved, and such details must be shown in the form of physical parameters, e.g. new capacity added, to be added, meters replaced, customer service centers set up etc., so that it is amenable for physical verification. In case of any significant shortfall in physical implementation, the Commission may require the licensees to explain the reasons, and may proportionately reduce the provision, including the interest and the return component, made towards revenue requirement, in the next period.

(4) To meet natural calamities involving substantial investments, the licensees may, any time during the tariff year, seek provision for additional capital expenditure and the Commission shall examine and review these provisions in the manner as given in sub-regulation (2) and approve their inclusion in revenue requirement in the next period.

9. Financing Costs.—(1) To take best advantage of market conditions, the licensee shall, while raising new finance, be free to finance through any proportion of debt and equity. For the past investment, actual values shall be considered. Depreciation reserves to the extent available shall be utilised for financing the investments:

Provided that the licensee will not earn return from the assets created through this depreciation reserve.

(2) The licensee shall indicate in its filing that the financing cost considered for revenue requirement matches with the approved investment plan, level of capital for the given year.

(3) For loans outstanding at the beginning of the year on the revenue account, the licensee shall indicate, in its filings, the expected interest outgo for each year, which will be considered towards revenue requirement of the licensee for such year and in case of declining interest rates, the licensee shall make efforts to reduce the cost of the outstanding loans.

(4) The Commission shall encourage raising loans from the consumers and for all loans, the permitted interest cost shall be linked to the Prime Lending Rate of a Scheduled Bank plus a predetermined margin which realistically reflects the rate at which licensee can raise debt from the market.

(5) The linkage of permitted interest cost with the Prime Lending Rate under sub-regulation (4) shall encourage the licensees to improve the credit rating and seek funds at lower cost, and the licensee shall retain the benefit of such savings till the next tariff review where actual values shall be considered as the base for subsequent years.

(6) For the Commission's approval the licensee may, in its filing, propose its choice of the Prime Lending Rate (PLR), reference (Indian Loans) and the margin keeping in view the suitability of the Prime Lending Rate (PLR) reference to its business, prevailing market conditions, the financial position etc.:

Provided that to ensure consistency, the Commission may use one single benchmark Prime Lending Rate (PLR), which may be of commonly acceptable bank.

10. Rate Base.—(1) For computing returns, the Commission may determine appropriate rate base either considering debt and equity separately or in conjunction and in doing so, factors which incentivise capital investment shall be adequately considered:

Provided that while giving return on the total capital employed the Commission may assess at regular intervals the Weighted Average Cost of Capital (WACC).

(2) In case foreign currency is bought as capital, the Commission may consider a separate rate of return and foreign exchange variation shall be allowed as a pass through to the consumers.

(3) The Commission may—

- (a) link the return on equity to the RBI Bank Rate plus a margin for the investment risk in the power sector;
- (b) allow a fixed rate of return on capital base, to be decided by it;
- (c) provide post tax returns and ensure that tax to the extent of tax on return is allowed as pass through to the consumers.

11. Working Capital.— The working capital requirement shall be worked out, basing upon a lead-lag study and such working capital requirement should move towards efficient levels for the subsequent years. Interest on working capital shall be as permitted by the Commission based on the market scenario.

12. O & M Expenditure.— The Commission may endeavour to fix operation and maintenance cost on normative basis and these shall be recognized at actual, or as may be allowed by the Commission, whichever is lower for the first period of review and shall be taken as base values and the approved base values may be indexed to pre-determined indices viz. the Consumer Price Index, the Wholesale Price Index or a combination of both the indices for the subsequent years.

13. Provision for bad debts.— The Commission may, after the licensee gets the receivables audited, allow a provision for bad debts, as a percentage of sales

revenue and as per prudent commercial practices, in the revenue requirement of the utility.

14. Depreciation.—(1) For the purpose of the tariff determination, the rate of depreciation shall be linked to the useful life of the asset:

Provided that the Commission may permit a higher rate of depreciation, in case of inadequacy of cash for debt repayment.

(2) In addition to allowable depreciation, the Commission may consider allowing advance against depreciation, if—

- (a) in any year, the advance against depreciation and depreciation together do not exceed 1/12th of the original loan amount; and
- (b) the total depreciation allowed during the life of the project shall not exceed 90% of the original project cost.

15. Distribution Loss.—(1) The Commission may either require the licensees to carry out proper loss estimation studies under its supervision, or initiate a study itself, to set a realistic base line of loss estimates at different voltage levels and in relation to different consumer categories.

(2) The Commission shall, on the basis of opening loss levels in licensee's filings, submissions and objections raised by the stake holders, approve a realistic and achievable loss target for the year under review and the approved loss target shall be used for computing power purchases/sale of power for that year.

(3) The licensee shall share part of the financial gains arising from achieving higher loss reduction vis-à-vis the target, with the consumers but the losses on account of under-achievement of loss reduction target shall be entirely borne by the licensee.

16. Sale Forecasts.—(1) The licensee shall forecast energy sales, demand forecast by customer and consumer category, the number of consumers and load profile for each customer category and for each slab, for the period under consideration and the Commission, before accepting and adopting it, shall examine the reasonableness, consistency of principles across all licensees, past trends etc.

(2) The Aggregate Revenue Requirement (ARR) to be filed under regulation 7 shall give:—

- (a) basis of the forecast demand and the calculation of expected revenue aggregate that would result from the customer or consumer category-wise forecast demand, referred to in sub-regulation (1), during the corresponding period under the currently approved tariff;
- (b) the calculation of the licensee's estimated costs of providing the service required by the level of demand indicated in sub-regulation (1) for each category of consumers during the specified period calculated in accordance with the financial principles and their application contained in the Sixth Schedule to the Electricity (Supply) Act, 1948, as was in force before the repeal of the said Act by the Electricity Act, 2003, or such other principles the Commission may direct from time to time .

(3) The licensee shall develop a robust database of all consumers with desired particulars regarding their demand to facilitate the forecasting process in the future.

(4) The sales forecast shall be applied in estimating the revenue accruals.

17. Generating Companies and Captive Generating Stations.— As provided in sub-section (3) (a) of section 10 of the Act, the generating companies and other persons who have established generating stations including captive generating stations in the State and persons who desire to establish such generating stations including captive generating stations shall furnish to the Commission the technical details of a generating station as per Appendix –1 within 30 (thirty) days of notification of these regulations or within 30 (thirty) days of the commencement of the generation of electricity at the station, whichever is later.

18. Power Procurement and Purchases.— (1) In accordance with the provisions of the Act and the conditions of licence every distribution licensee shall purchase or procure electricity required for the business of the distribution licensee in an economical and efficient manner and under a transparent power purchase and procurement process and generally based on the principles of least cost purchase.

(2) The power purchase by a distribution licensee may be classified by the Commission as short-term power purchase or long-term power purchase on terms as may be decided by the Commission from time to time.

(3) The Commission may, from time to time, issue guidelines, practice directions and orders governing the short-term purchases and long-term purchases, which the distribution licensee can undertake for the purpose of the licensed business.

(4) (a) The distribution licensee shall satisfy the Commission that the need for additional power procurement is on account of events beyond the reasonable control of the licensee on a long term basis and in the case of short term power purchase, the circumstances, where such additional short term power purchase will become necessary.

(b) The distribution licensee shall not enter into a binding or enforceable contractual commitment till the Commission, by a general or special order, approves the procurement of electricity by the distribution licensee.

(5) Unless otherwise approved by the Commission by a general or special order, a long-term power purchase or procurement by the Distribution Licensee shall be done through a structured competitive procurement process approved by the Commission.

(6) (a) The Distribution Licensee shall satisfy the Commission that the Electricity procured under long term power purchase otherwise than through a competitive bidding process or any short term power purchase is of least cost or economical in the prevalent circumstances and that the distribution licensee has made prudent and best efforts to minimize the cost of purchase.

(b) The Commission may not permit any such short term or long term purchase if the manner proposed for such procurement of electricity is not conducive to the objective of least cost purchase or for any other reason the purchase is not economical or efficient.

(7) The Distribution Licensee shall forecast the demand for electricity for his business and formulate proposals in coordination with the generating companies, licensee companies, other licensees, authorities and other concerned persons. The distribution licensee shall file with the Commission power procurement plan to meet the demand in such a manner as the Commission may direct.

(8) The distribution licensee shall file with the Commission, the details in regard to the distribution system under his control and arrangement available for the transmission in the State or outside the State to evacuate the electricity procured and distribute the same in accordance with the power procurement plan approved by the Commission.

(9) The details required to be given by the distribution licensee in regard to resource planning, power purchase and procurement planning, planning for transmission system and distribution system, competitive procurement process as well as all other matters relating to the purchase of energy by the licensee shall be as provided in the guidelines and practice directions issued by the Commission from time to time.

(10) The Commission shall take into consideration, while determining the tariffs of the distribution licensees as per this regulation, the approval granted by it to the distribution licensees for the power purchase and procurement process under this regulation and the action and inactions on the part of the distribution licensees in complying with the terms contained in this regulation.

(11) Quantity approved for power purchase may be the sum of targeted distribution loss and total forecast sales under regulation 16 and will be evaluated at the price based on the power purchase agreements, bulk supply agreements etc. consented by the Commission.

(12) The Commission shall not consider the power purchases beyond the approved level of power purchases. However, the licensee can procure additional power from any source:

Provided that if there is any variation in the actual purchase vis-à-vis the order of the Commission, the resultant financial gain or loss shall be adjusted in the next year's Aggregate Revenue Requirement (ARR):

Provided further that the licensee as per the profit sharing formula shall retain any gain made out of the additional power purchase and the loss on account of the additional power purchase shall not be passed on to the consumers:

Provided further that the licensee shall be allowed to retain incentive of over-drawal of power under higher frequency and absorb the loss for over drawal of power under lower frequency regime.

(13) The Commission, based on merit order despatch, may lay down guidelines for direct procurement of power by the distribution licensees from generators/other sources in order to optimize the cost of power procured by licensees considering—

- (a) load profiles during various seasons;
- (b) technical constraints;
- (c) avoidable costs (whether from own generation or power purchase) calculated after giving due consideration to valid contractual obligations.

(14) The power purchase expenses as determined, after due consideration for contractual obligations and technical constraints, through the optimal merit order despatch, shall be considered for pass through in the Annual Revenue Requirement.

(15) In case of genuine short-term shortages, the licensee shall have the flexibility to procure power from alternative sources. The Commission may fix the maximum ceiling of tariff for purchase of electricity and the same shall be pass through in the revenue requirement for the subsequent tariff period.

(16) The fuel cost revision shall be automatic with the variation in fuel prices and shall include changes in fixed costs, variable costs and variations in mix of power purchases and the licensees shall be required to compute changes in the fuel costs, and appropriately claim or refund the same in tariff, on quarterly basis.

19. Power Purchase from Generator.— (1) The Commission may approve the tariff for the power purchase and procurement by the licensee from the generating company in accordance with regulation 18 and on such approval being given, the generating company shall be entitled to sell the energy to the licensee as per the tariff, terms and conditions contained in the power purchase agreement as approved by the Commission.

(2) The Commission may determine the tariff for the sale of energy from the generating station of a generating company and the generating company may thereafter enter into agreements for the sale of energy on the tariff determined by the Commission subject to the terms and conditions laid down by the Commission:

Provided that the determination of the generation Tariff shall not entitle the generating company to sell energy to the licensees on a long term basis except in accordance with the power purchase agreement or procurement to be finalized by the licensee in accordance with regulation 18 and the terms and conditions which the Commission may lay down for the purpose from time to time :

Provided also that determination of the generation tariff shall not entitle the generating company to sell energy to the licensees on a short-term basis except in accordance with the sub-regulations (1) to (11) ^ regulation 18.

20. Power Purchase from Trader.— (1) The Commission may approve the tariff for the power purchase and procurement by the licensee from the electricity trader in accordance with regulation 18 and on such approval being given, the electricity trader shall be entitled to sell the energy to the licensee as per the tariff, terms and conditions contained in the power purchase agreement as approved by the Commission.

(2) The Commission may from time to time, fix the trading margin of the electricity trader for trading in electricity in the State.

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(3) Notwithstanding the determination of the trading margin for the electricity trader , it shall not entitle the licensees to purchase the electricity except as provided under regulation 18 and further such sale shall be subject to such further terms and conditions the Commission may lay down for the purpose from time to time.

21. Profit Sharing.— (1) In the beginning of the period under review, the licensee shall be provided with an approved reasonable return:

Provided that as the profitability of the licensee is neither guaranteed nor capped, the licensee may make more profits than the approved reasonable return.

(2) In case of the profits beyond the approved reasonable return, the Commission shall treat—

- (i) one-third amount to be declared as dividends to the share holders. Where this amount is not paid out as dividend, it shall be treated as part of equity to that extent and earn returns on the same. Any future

declaration of dividend from this shall lead to commensurate decrease in the equity base for the purpose of returns;

- (ii) one-third amount to be returned back to consumers by way of reduction in the consumer bills as a rebate; and
- (iii) one-third amount shall be kept as tariff balancing reserve, which shall be used to reduce sharp rise in the Aggregate Revenue Requirement (ARR) in future years:

Provided that the Commission may allow a part of the total reserve to be returned back to the consumers every 3 years by way of reduction in the Aggregate Revenue Requirement (ARR):

Provided further that the amount in tariff balancing reserve shall not be eligible to be treated as part of equity and would not earn any return for the shareholders and any return earned on this reserve shall be added back to this reserve.

22. Regulatory asset
regulatory asset by specifying assets submitted by the licensee

ie Commission shall, at its discretion, provide for amortisation and financing rules of the regulatory assets accepted by the Commission:

Provided that the regulatory assets shall only be allowed to take care of force majeure or cost variations due to uncontrollable factors or major tariff shocks because of these reasons and not to avoid the progressive tariff increases.

PART-IV

BULK SUPPLY TARIFF AND DIFFERENTIATED GENERATION AND TRANSMISSION TARIFFS

23. Bulk Supply Tariff.—(1) The distribution licensees may buy power directly from a generating station. The Commission may adopt a differential bulk supply tariff mechanism to address the issues of uniform retail tariff and different level of cross-subsidies that exist on account of their consumer mix.

(2) The Commission shall, while designing the differential bulk supply tariff, ensure bulk supply tariff predictability, protect efficiency gains and lay down a clear formula for the calculation of bulk supply tariff.

24. Peak and Off-peak Tariff.—(1) The Commission shall encourage the distribution licensees to move towards separate peak and off-peak tariff in a time-bound manner and also move towards time differentiated generation and transmission tariffs. To begin with, the Commission may look at “Time-of-the-day” tariff for large, medium and small industrial, commercial and water pumping consumers and gradually cover other major consumer classes in a time-bound manner.

(2) The Commission shall specify the broad classification of consumers and time frame for implementation of differentiated tariff and while specifying differentiated tariff, the Commission may also notify the period for peak, off-peak and normal consumption.

25. Power Factor and Load Factor Related Tariff.—(1) The Commission may provide rebates to the consumers for maintaining high power factor and load factor to promote efficiency of operation and optimum capacity utilization.

(2) The Commission may consider switching over to two-part kVA plus kVAh tariff from kWh tariff for consumers having appropriate meters to incentivise operation at better power factor and higher load factor.

PART-V WHEELING

26. Wheeling.—(1) The licensees shall provide non-discriminatory open access to the consumers and within the period as may be specified by the Commission, for the purposes of wheeling tariff, the person utilizing wheeling services will be charged on both cash and kind basis.

(2) The wheeling charge in cash for a consumer category would be based on postage stamp method and include costs of distribution licensee for its ‘pure wires’ business. This cost shall be reduced by the proportion of the revenues derived from other business, if any, which would be specified by the Commission.

(3) The wheeling charge will be computed taking into account, projected units to be sold and wheeled through distribution licensee’s network in the ensuing tariff period.

(4) With regard to charges in kind, the normative distribution system technical losses shall be borne by the consumer in the case of wheeling transactions and would be based on the voltage levels.

PART -VI

SUBSIDY

27. Subsidy from State Government.— (1) The State Government may, at any time as it considers to be appropriate, propose any subsidy to any class or classes of consumers in the tariff determined by the Commission and upon receiving such proposal, the Commission shall determine the amount to be paid as subsidy and the terms and conditions of such payment including the manner of payment of subsidy amounts by the State Government to the person affected by the decision of the subsidy.

(2) While determining the tariff, the Commission shall take into account any subsidies, which the State Government had agreed to give to any class or classes of consumers.

(3) The tariff determined by the Commission shall be published duly taking into account such subsidy offered by the State Government as on the date of the decision of the Commission.

(4) Notwithstanding anything contained in these regulations, no direction of the State Government shall be operative if the payment is not made by the State Government in accordance with the provisions of section 65 of the Act. In the event of such directions being not operative the amount of subsidy to be made by the State Government shall be added in the tariff to be charged by the licensees to the concerned class or classes of consumers.

(5) The Licensee shall be required to furnish documents to the satisfaction of the Commission that the subsidy amount received by the licensee from the State Government is duly accounted for and utilized for the purpose for which the subsidy is given.

PART-VII**SURCHARGE**

28. Surcharge.—(1) The Commission shall determine surcharge in view of the loss of cross-subsidy from the consumer or category of consumers who have opted for open access to take supply from a person other than the incumbent distribution licensee and such charges shall be utilized to meet the requirement of current level of cross subsidy and the entire amount of cross-subsidy lost by the incumbent licensee shall be compensated through these surcharges.

(2) For the purpose of computing cross-subsidy, the difference between cost-to-serve of that category and average tariff realization of that category shall be considered. Where no data is available, the surcharge shall be based on average cost instead of cost-to-serve of each category as an interim arrangement.

29. Additional surcharge.—(1) Where a consumer avails open access, the Commission may determine the additional surcharge to meet the fixed costs of the distribution licensee arising out of his obligation to supply and permit collection of such additional surcharge for the period the fixed cost remains stranded.

(2) This additional surcharge shall be applied in all cases where stranded costs are involved:

Provided that if the capacity released on account of a consumer changing from his distribution licensee to another person is productively utilized, then no stranded costs shall be deemed to be involved.

PART- VIII**QUALITY OF SERVICE**

30. Quality of Service.—(1) The Commission, after consultation with licensee, and persons likely to be affected, shall specify realistic standards of performance (depending on the local conditions) of the licensee and may improve them from time to time. In case of non-compliance of these standards, Commission

may award compensation to the affected consumers as determined by the Commission.

(2) The Commission may engage independent agencies to audit the data submitted by the licensee and may also periodically conduct customer satisfaction surveys through independent agencies.

PART-IX

TARIFF ORDER AND REVISION THEREOF

31. Hearing.—(1) The Commission may hold proceedings on the revenue calculations and tariff proposals given by the generating companies or the licensee and may hear such persons as the Commission may consider appropriate to decide on such revenue calculations and tariff proposals.

(2) The procedure of hearing on the revenue calculations and tariff proposals of the generating company or the licensee shall be in the manner as the Commission may decide from time to time.

32. Order of the Commission.—(1) Upon hearing the generating company or the licensee, as the case may be and such other parties and upon making such other inquiry as the Commission considers to be appropriate, the Commission shall make an order and notify the generating company or the licensee of its decision on the revenue calculations and tariff proposals.

(2) While making an order under sub-regulation (1) or at any time thereafter, the Commission may direct the publication of the tariff determined by the Commission which the generating company or the licensee shall charge from different consumers or customers and categories thereof in the ensuing period.

(3) The Commission shall, within seven days of the order, forward a copy of the order to the State Government, the Central Electricity Authority and the concerned licensees and to the concerned persons.

33. Publication.—(1) The generating company or the transmission or the distribution licensee shall publish the tariff approved by the Commission in the

newspapers having circulation in the area of supply as the Commission may direct. The publication shall, besides such other things as the Commission may require, include a general description of the tariff changes and its effect on the classes of the consumers.

(2) The tariffs so published under sub-regulation (1) shall be notified tariffs applicable in the concerned area. In case of any increase in tariff, the same shall take effect only after such number of days as the Commission may direct which shall not be less than seven days, from the date of first publication of the tariffs.

34. Bills to Consumers.—(1) The generating company or the licensee shall raise bills for the energy supplied or transmitted or services rendered to the consumers only in accordance with the notified tariff and the sub-regulation (4) of regulation 27 of these regulations.

(2) The bills to the consumers shall distinctively display the per unit cost of supply of electricity to the class of consumer as determined by the Commission, the subsidy, if any, given by the State Government applicable to such class of consumers and per unit amount of such subsidy, the bill amount payable by the consumer and the cross subsidization of the class of the consumer in the tariff made applicable without taking into account of subsidy from the State Government.

35. Tariff Revision.—(1) No tariff determination by the Commission may be amended more frequently than once in any financial year:

Provided that the Commission shall allow the revision in the tariff more than once in any financial year to take care of force majeure or cost variations due to uncontrollable factors like the mid term determination of tariff of any generating company or the licensee supplying power to the licensee.

(2) The consequential orders which the Commission may issue to give effect to the subsidy that the State Government may provide shall not be construed as amendment of tariff notified. The licensee shall, however, give appropriate adjustments in the bills to be raised on the consumers for the subsidy amount in the manner the Commission may direct.

PART -X**MISCELLANEOUS**

36. Interpretation.— If any difficulty arises with regard to the interpretation of the tariff determined by the Commission and/or its attendant conditions, directions, orders or terms, the Commission may, by order, provide clarifications not inconsistent with the provisions of the Act and these regulations, as may appear to be necessary for removing the difficulty and the Commission order shall be final and binding.

37. Power to remove difficulties.— (1) If any difficulty arises in giving effect to the provisions of these regulations, the Commission may, by order published, make such provision not inconsistent with the provision of the Act and these regulations, as may appear to be necessary for removing the difficulty:

Provided that no order shall be made under this regulation after the expiry of one year from the date of commencement of these regulations.

(2) Every order made under this regulation shall be laid, as soon as may be after it is made, before the State Legislative Assembly.

By order of Commission,

Sd/-
Secretary.

APPENDIX-1
(See regulation 17)

FORMAT FOR FURNISHING TECHNICAL DETAILS BY GENERATING COMPANIES

1. General :

- (a) Name of the Company ..
- (b) Address of Registered Office ..
- (c) Postal address for communication ..
- (d) Location of the proposed Generating Station ..

2. Particulars of proposed generating Unit(s) :

- (a) Capacity in KVA of the Plant ..
- (b) No. of Units ..
- (c) Capacity of each unit ..
- (d) No. of Phases ..
- (e) Power Factor ..
- (f) Frequency (Hz) ..
- (g) Technical specifications of other equipment ..
- (h) Voltage of generation ..

3. Fuel for the proposed power plant :

- (a) Coal/Gas/Naptha ..
 - (b) Others – Specify fuel ..
- (Strike-off whichever is not applicable)

4. Tie-up for supply of fuel :

(applicable for large unit(s) i.e. MVA and above)

- (a) Whether fuel/coal linkage is received if yes, particulars ..
- (b) Whether fuel transport agreement entered into, is yes, give details ..

5. Other technical particulars.

- (a) Proposed date of commencement of generation ..

- (b) Salient features of the project relating to ..
Technical details of Generator, Prime Mover,
Exciter, Automatic Voltage Regulation, Switch
gear Protection, Interconnection facilities
with Licensee (to be separately attached).
(c) Planned peak generation in MW ..
(d) Operating plant load factor ..
(e) Total annual requirement of electricity
in millions of units by the industry ..
(f) Peak requirement of the industry in MW ..
(g) Voltage at which interconnection with
licensee system is desired ..
(h) Nearest supply point of interconnection with
licensee. ..
(i) Arrangements for synchronization, if
generating units are proposed to be run
in parallel. ..
(j) Estimated cost of proposed interconnection ..

Signature

HIMACHAL PRADESH ELECTRICITY REGULATORY COMMISSION SHIMLA

NOTIFICATION

Shimla, the 8th June, 2004

F.No.HPERC/381.—The Himachal Pradesh Electricity Regulatory Commission in exercise of the powers conferred by section 16 read with clause (d) of sub-section (2) of section 181 of the Electricity Act, 2003 (36 of 2003) and all other powers enabling it in this behalf, after previous publication, hereby makes the following regulations, namely:—

REGULATIONS

1. Short title and commencement.—(1) These regulations may be called the Himachal Pradesh Electricity Regulatory Commission (General Conditions of Distribution Licence) Regulations, 2004.

(2) These regulations shall come into force from 10th June, 2004.

2. Definitions:— (1) In these regulations, unless the context otherwise require,—

(1) “Act” means the Electricity Act, 2003 (Act No. 36 of 2003);

(2) “accounting statement” means for each financial year, accounting statements for the licensed business comprising a profit and loss account, a balance sheet and a statement of sources and application of funds, together with notes thereto as detailed under the Companies Act, 1956 (1 of 1956) and such other particulars and details in the manner as the Commission may direct from time to time. If the distribution licensee engages in any business or activity in addition to the licensed business, the accounting statements shall comply with the regulations of the Commission dealing with the treatment of other business of the distribution licensee and show separately the amounts of any revenue, cost, asset, liability, reserve or provision, which has been either:—

(a) charged from the licensed business to any other business or vice versa together with a description of the basis of that charge; or

(b) determined by apportionment or allocation between the licensed business and any other business of the distribution licensee together with a description of the basis of the apportionment or allocation;

(3) "**annual accounts**" means the accounts of the distribution licensee prepared in accordance with the provisions of the Companies Act, 1956 (1 of 1956) and/or in such other manner as may be directed by the Commission in terms of the provisions of the Act;

(4) "**area of distribution**" or "**area of supply**" means the area of distribution stated in the distribution licence within which the distribution licensee is authorised to establish, operate and maintain the distribution system and supply electricity;

(5) "**auditors**" means the distribution licensee's auditors holding office in accordance with the requirements of sections 224 to 234A or section 619 as appropriate, of the Companies Act 1956 (1 of 1956);

(6) "**authorised**", in relation to any person, business or activity, means authorised by licence granted under section 14 of the Act or deemed to be granted under the first, second, third and fifth provisos to section 14 of the Act or exemption granted under section 13 of the Act and the regulations of the Commission;

(7) "**Commission**" means the Himachal Pradesh Electricity Regulatory Commission;

(8) "**deemed licensee**" means a person authorised under the first, second, third, and fifth provisos to section 14 of the Act;

(9) "**distribution**" means the conveyance or wheeling of electricity by means of a distribution system;

(10) "**distribution business**" means authorised business of a distribution licensee to operate and maintain a distribution system for supplying of electricity to the consumers in an area of supply;

(11) "**distribution code**" means the code governing all material technical aspects relating to connections to and the operation and use of the distribution system as specified by regulations by the Commission;

(12) “**distribution system operating standards**” means the standards related to the distribution licensee’s operation of the distribution system as specified by regulations by the Commission;

(13) “**distribution system planning and security standards**” means the standards related to the adequacy of the distribution licensee’s system planning and security of the distribution system, as specified by regulations by the Commission;

(14)“**existing distribution system operating standards**” means the standards for operating the distribution system existing in the area of distribution as on the date of the grant of licence;

(15)“**existing distribution system planning and security standards**” means the standards for system planning and security of the distribution system existing in the area of distribution as on the date of the grant of licence;

(16)“**force majeure**” means events beyond the reasonable control of the licensee, including, but not limited to earthquakes, cyclones, floods, storms, adverse weather conditions, war, terrorist attacks, civil commotion or other similar occurrences that leads to any act that would involve a breach of relevant laws or regulations concerned with electrical safety;

(17)“**generating set**” means any plant or apparatus for the production of electricity and shall, where appropriate, include a generating station comprising of one or more than one generating unit;

(18)“**generator interconnection facilities**” means electrical lines, transformers, busbars, switch-gear, plant or apparatus utilised to enable access to a transmission system or distribution system by the generating set(s);

(19)“**grid code**” means the grid code specified by the Central Commission under clause (h) of sub-section (1) of section 79 of the Act and includes the State grid code specified by the State Commission under clause (h) of sub-section (1) of section 86 of the Act;

(20)“**holding Company**” shall have the same meaning as in section 4 of the Companies Act 1956 (1 of 1956);

(21)“**interim distribution code**” means the existing practices and procedures in the area of distribution to be followed by the distribution licensee for

operating the distribution system as on the date of the grant of the licence till the date, the distribution code of the distribution licensee is specified by regulation under the Act;

(22) "**interim grid code**" means the existing practices and procedures implemented by the State Transmission Utility pending the grid code is specified by regulations under the Act;

(23) "**licensed business**" means the business of distribution and supply of electricity as authorised under the distribution licence;

(24) "**major incident**" means an incident associated with the distribution of electricity, which results in a significant interruption of service, substantial damage to equipment, or loss of life or significant injury to human beings, or as otherwise directed by the Commission and shall also include any other incident which the Commission expressly declares to be a major incident;

(25) "**operational control**" means possessing the authority to make operational decisions such as commissioning and utilisation of units, service lines and equipment;

(26) "**other business**" means business of the distribution licensee other than the licensed business;

(27) "**performance standards**" means the standards as may be determined by the Commission pursuant to section 57 of the Act;

(28) "**specific conditions**" means the conditions in addition or in variation to the general conditions which the Commission may lay down specifically for a distribution licensee;

(29) "**State**" means the State of Himachal Pradesh;

(30) "**State Government**" means the Government of the State of Himachal Pradesh;

(31) "**subsidiary**" shall have the same meaning as in section 4 of the Companies Act 1956 (1 of 1956);

(32)“**trading business**” means the authorised business of an electricity trader in the area of operation allowed under the trading licence granted ;

(33)“**trading licence**” means the licence granted under section 14 of the Act to undertake trading in electricity;

(34)“**trading licensee**” means an electricity trader and shall include deemed licensee who is so authorised under section 14 of the Act;

(35)“**transfer**” shall include the sale, exchange, gift, lease, licence, loan, securitisation, mortgage, charge, pledge or grant of any other encumbrance or otherwise permitting of any encumbrance to subsist or parting with physical possession or any other disposition or dealing;

(36)“**use of system**” means use of the distribution system for the transportation or wheeling of electricity;

(37)“**users**” means anyone who uses the distribution system; and

(38) the other words, terms and expressions used and not defined in these regulations, but defined in the Act, shall have meanings respectively assigned to them in the Act.

3. Term. - The distribution licence shall come into force on the date to be mentioned by the Commission in the order granting the licence and subject to the terms and conditions of the grant of licence, shall remain in force for the period mentioned in the order;

Provided that in respect of deemed licensees, these conditions shall come into force on the 10th June, 2004.

4. Compliance with laws, rules and regulations.— (1) The distribution licensee shall comply with the provisions of the Act, rules, regulations, orders and directions issued by the Commission from time to time and the provisions of all other applicable laws.

(2) The distribution licensee shall act in accordance with these general conditions except where the distribution licensee is exempted from any provisions of these general conditions at the time of the grant of licence or otherwise specifically by an approval of the Commission to any deviation therefrom.

(3) The distribution licensee shall duly comply with the order and directions of the National Load Despatch Centre, the Regional Load Despatch Centre and the State Load Despatch Centre and other statutory authorities issued in the discharge of their functions under the Act.

5. Functions of the distribution licensee. - (1) The distribution licensee shall develop and maintain an efficient, co-ordinated and economical distribution system in the area of distribution and effect supply of electricity to consumers in such area of supply in accordance with the provisions of the Act, rules, regulations, orders and directions of the Commission.

(2) The distribution licensee shall be entitled to -

- (a) purchase, import or otherwise acquire electricity from generating companies, electricity traders and from other persons with whom the distribution licensee has agreements or arrangements of power purchase or procurement of energy in accordance with the terms and conditions of such agreement and arrangement consented to or approved by the Commission or in accordance with the terms and conditions of the tariff specified by the Commission;
- (b) purchase or acquire electricity from any person whose generating unit existing as on date of the grant of the licence, is directly connected to and interfaced with the distribution system of the distribution licensee, provided that the distribution licensee shall intimate the Commission of the existing arrangements for such purchase or acquisition of electrical energy and obtain the general or special approval of the Commission;
- (c) purchase or otherwise acquire electricity from any person or licensee on the tariffs and terms and conditions as approved by the Commission;
- (d) appoint franchisees to distribute and/or supply of electricity for a specified area within the area of distribution of the distribution licensee without a separate licence to be taken by such franchisee provided that the licensee shall be responsible for distribution of electricity in his area of supply;
- (e) undertake trading in electricity without the need for a separate trading licence;

(f) provide access to the distribution system to any person for wheeling of electricity in accordance with regulations made by the Commission for the purpose;

(g) sell electricity or energy capacity contracted for such period and to the extent of electricity or capacity not required by the distribution licensee for the discharge of his obligations to supply electricity in the area of supply.

(3) The distribution licensee shall sell, supply or otherwise dispose of electricity to any person, only in accordance with his licence, on the tariffs and terms and conditions as approved by the Commission;

(4) The distribution licensee shall purchase the energy required by the licensee for meeting obligations under the distribution licence in an economical manner and under a transparent power purchase or procurement process and in accordance with the regulations, guidelines, directions made by the Commission from time to time.

(5) The distribution licensee shall engage in any other business only consistent with the regulations of the Commission framed under section 51 of the Act;

(6) The distribution licensee shall seek approval of the Commission before making any loans to, or issuing any guarantee for any obligation of any person, except when made or issued for the purposes of the licensed business. The loans to employees pursuant to their terms of service and trade advances in the ordinary course of business are excluded from the requirement to seek such approval.

(7) The distribution licensee may engage any of the subsidiaries or holding company or a subsidiary of such holding company of the distribution licensee to provide any goods or services to the licensee in connection with the licensed business, subject to the following conditions:-

(a) that the transaction will be on an arms-length basis and at a value that is fair and reasonable in the circumstances;

- (b) that the transaction will be consistent with any regulation framed by the Commission relating to the provision of goods and services with respect to licensed business; and
- (c) that the licensee will give 15 days' notice with details of such arrangement, to the Commission prior to commencement of such arrangement.

(8) The distribution licensee may establish subsidiaries or associated companies or grant a franchisee or enter into management contracts including appointment of billing agent to conduct or carry out any of the functions, which the distribution licensee is authorised to conduct or carry under the licence; provided that the licensee shall be responsible for all actions of the subsidiaries or associated companies or franchisees or agents or contractors.

(9) Except as provided in sub-regulation (8) the distribution licensee shall not transfer or assign his licence or any of the functions under the licence to any other person without the prior approval of the Commission.

(10) The distribution licensee shall provide open access to the distribution system for use of the licensees, and generating company including the captive generating plant and the consumer subject to the absence of operational constraints in the distribution system and subject to the payment by the user all applicable tariffs and charges as determined or directed to be charged by any general or special order of the Commission.

(11) The distribution licensee shall not, without the prior approval of the Commission:

- (a) undertake any transaction to acquire by purchase or takeover or otherwise, the utility of any other licensee;
- (b) acquire any beneficial interest in any generating company or generating station; or
- (c) transmit, distribute or supply electricity to any person in the State, not under the licence;

(12) The distribution licensee shall provide to the other licensees the intervening distribution facilities to the extent of surplus capacity available, in his distribution system and in the event of any dispute as to the availability of the surplus capacity the same shall be determined by the Commission. The charges, terms and conditions for the use of the intervening facilities may be mutually agreed between the licensees subject to any order made by the Commission for the purpose. In the event of any disagreement the same shall be decided by the Commission.

6. Accounts.— (1) The distribution licensee shall conduct study on its total financial planning, budgeting and restructuring to determine an optimal capital structure, including key financial parameter which the distribution licensee shall follow in order to monitor its financial performance.

(2) Unless otherwise permitted by the Commission the financial year of the distribution licensee for the purposes of these regulations laying the general conditions and matters relating to the licensed business shall run from the first of April to the following thirty-first of March.

(3) The distribution licensee shall, in respect of the licensed business and any other business,—

- (a) keep such accounting records as would be required to be kept in respect of each such business so that the revenues, costs, assets, liabilities, reserves and provisions of, or reasonably attributable to the licensed business are separately identifiable in the books of the distribution licensee, from those of other business in which the distribution licensee may be engaged;
- (b) prepare on a consistent basis from such accounting records and deliver to the Commission the accounting statements, namely:—
 - (i) in respect of the first six months of each financial year, a half yearly profit and loss account, cash flow statement and balancesheet together with such supporting documents and information as the Commission may direct from time to time;
 - (ii) in respect of the accounting statements prepared, an auditor's report for each financial year, stating whether in their opinion the statements have been properly prepared and give a true and fair

view of the revenues, costs, assets, liabilities, reserves and provisions of, or reasonably attributable to such business to which the statements relate; and

- (iii) a copy of each half yearly profit and loss account not later than three months after the end of the period to which it relates, and copies of the accounting statements and auditor's report not later than six months after the end of the financial year to which they relate.

(4) The distribution licensee shall not normally change the basis of charge or apportionment or allocation of revenues or expenses in relation to the preparation of the accounting statements in respect of a financial year from those applied in respect of the previous financial year, without prior intimation to the Commission. Any change, if proposed, in the basis of charge or apportionment of revenues or expenses shall be consistent with the provisions of the Companies Act, 1956, (1 of 1956) the accounting standards or regulations and further any guidelines issued by the Commission in this regard.

(5) Where, in relation to the accounting statements in respect of a financial year, the distribution licensee has changed the basis of charge or apportionment or allocation from those adopted for the immediately preceding financial year, the distribution licensee shall, if directed by the Commission, prepare and deliver to the Commission such accounting statements on the basis which it applied in respect of the immediately preceding financial year.

- (6) The accounting statements under sub-regulation (3) shall, unless otherwise directed by the Commission, -

- (a) be prepared and published with the annual accounts of the distribution licensee, in the manner provided herein;
- (b) state the accounting policies adopted;
- (c) be prepared in accordance with the generally accepted Indian accounting standards; and
- (d) be prepared in the form as the Commission may stipulate from time to time;

(7) The references to costs or liabilities of, or reasonably attributable to the licensed business or other business shall be construed as excluding taxation, and capital liabilities which do not relate principally to such business and interest thereon.

(8) The distribution licensee shall ensure that the accounting statements in respect of each financial year prepared under sub-regulation (3) and the auditor's report in respect of each financial year are publicised in such manner as the Commission may direct and are made available to any person requesting them at a price not exceeding the reasonable cost of duplicating them.

7. Prohibition of undue preference.— (1) The distribution licensee shall not show undue preference to any person in the distribution and supply of electricity or rendering of services in the area of supply:

Provided that the distribution licensee shall not be deemed to have shown any such undue preference if any differentiation of the consumer occurs as a result of the implementation of any order of the Commission or of the order of the State Government in regard to subsidy payment under section 65 of the Act.

8. Provision of information to the commission.— (1) The distribution licensee shall furnish to the Commission without delay such information, documents and details related to the licensed business or any other business of the distribution licensee, as the Commission may require from time to time for its own purposes or for the purposes of the Government of India, the State Government, the Central Commission, the Central Electricity Authority, the State Transmission Utility and the State Load Despatch Centre.

(2) The distribution licensee shall duly maintain the information as the Commission may direct under section 128 of the Act.

(3) The distribution licensee shall notify the Commission as soon as possible the occurrence of any major incident affecting any part of its distribution system and, in any event, by not later than two months from the date of such occurrence,—

(a) submit a report to the Commission giving full details of the facts within the knowledge of the distribution licensee regarding the incident and its cause;

- (b) in the event the report under clause (a) is likely to take more than two months from the date of such incident, the distribution licensee shall, within one month from such date of the incident, submit a preliminary report with such details which the distribution licensee can reasonably furnish and state reasons as to why the distribution licensee requires more than two months for giving full report of such incident; and
- (c) give copies of the report to all parties concerned with the major incident and to such other persons as the Commission may direct.

(4) The Commission at its discretion may require the submission of a report on the major incident to be prepared by an independent person at the expense of the distribution licensee.

(5) The distribution licensee shall also undertake such studies as the Commission may direct from time to time for the improvement of its distribution system and any other matter concerning the distribution business that the Commission considers necessary to avoid the occurrence of any such major incident.

(6) The distribution licensee shall duly inform the Commission about any incident restricting it from meeting obligations under the licence granted including any act of omission or commission by others and steps taken by the distribution licensee to mitigate the effect of such incident.

(7) The Commission may at any time require the distribution licensee to comply with the provisions of sub-regulations (3) to (6) as to incidents which the Commission may specifically direct and the distribution licensee shall be obliged to comply with the same notwithstanding that such incidents are not major incidents; provided that the time limits specified in sub-regulation (3) shall commence from the date on which the Commission notifies the distribution licensee of such requirement.

(8) The distribution licensee shall submit a business plan within three months of the distribution licence coming in force for such period as the Commission may direct and shall update such plan annually. The business plan shall contain yearwise load growth, yearwise distribution loss reduction proposal alongwith specific action plan, metering plan for metering interface points, investment plan as detailed in regulation 9, treatment of previous losses, debt restructuring plan, cost reduction plan, projected profit and loss account, projected balancesheets, projected cash flow statements and projected important financial parameters.

(9) The Commission may require the distribution licensee to intimate by the end of the first quarter of each financial year the progress made in implementing the business plan of the previous financial year with the comparison of actual implementation vis-à-vis the plan as approved by the Commission.

9. Investments.—(1) The distribution licensee shall duly comply with the regulations, guidelines, directions and orders the Commission may issue from time to time in regard to the investments to be made in the distribution business.

(2) The distribution licensee shall make the investments in a prudent manner being guided by the duty to build, maintain and operate an efficient, co-ordinated and economical distribution system in the State.

(3) The distribution licensee shall submit to the Commission investment plans as a part of the business plan under sub-regulation (8) of regulation 8 giving details of investment schemes to be undertaken during the concerned period for the approval of the Commission. The distribution licensee shall demonstrate to the satisfaction of the Commission that—

- (a) there is a need for such investments in the distribution system contained in the investment plan;
- (b) the distribution licensee has examined the economic, technical, system and environmental aspects of all viable alternatives to the proposal for investing in or acquiring new distribution system assets to meet such need.

(4) The distribution licensee shall intimate, by the end of the first quarter of each financial year,—

- (a) the annual investment plan with details of investment schemes to be carried out during the financial year; and
- (b) the progress made in implementing the annual investment plan of the previous financial year with the comparison of actual implementation vis-à-vis the plan as approved by the Commission for the concerned period.

(5) The distribution licensee shall not undertake schemes involving major investments, not covered under the investment plan approved by the Commission under sub-regulation (3) without the prior approval of the Commission, and for such approval the distribution licensee shall demonstrate to the satisfaction of the Commission the factors mentioned in sub-regulation (3).

(6) The distribution licensee shall invite and finalise tenders for procurement of equipment, material and/or services relating to major investment, in accordance with a transparent tendering procedure as may be directed by the Commission. The distribution licensee shall, in consultation with the Commission,—

- (i) ensure that material management policy and practices including calendar of various actions, approvals, tendering, purchase order, delivery schedule and payments etc. are streamlined so as to provide necessary inputs of right quality at the right time to facilitate faithful implementation and compliance of the approved standards and benchmarks.
- (ii) lay down bench-mark prices and conclude rate contracts for decentralised purchases so as to bring about financial discipline and inventory control for achieving optimal financial ratios in respect of such decentralised purchases.

(7) For the purposes of this regulation, the term "major investment" means any planned investment in or acquisition of distribution facilities, the cost of which, when aggregated with all other investments or acquisitions (if any) forming part of the same overall transaction, equals or exceeds an amount contained in the special conditions applicable to the distribution licensee or otherwise decided by the Commission from time to time by a general or special order.

(8) The distribution licensee shall be entitled to make investment in the distribution business other than those covered under sub-regulations (3) and (5) but for the purposes of considering such investment while determining the tariff, the distribution licensee shall satisfy the Commission that the investment was required for the distribution business and such investment was made in an efficient, co-ordinated and economical manner.

(9) The distribution licensee shall submit to the Commission alongwith the "Expected Revenue Calculations" filed under section 62 of the Act, the highlights of the annual investment plan consisting of the schemes approved by the Commission, schemes submitted before the Commission for approval and all schemes not requiring prior approval of the Commission planned for the ensuing financial year and shall make investment in the said financial year in accordance with the said investment plan:

Provided that if any unforeseen contingencies required reallocation of funds within the schemes listed in the annual investment plan, the distribution licensee may do so to the extent such reallocation in respect of individual projects does not exceed an amount decided by the Commission in the special conditions applicable to the distribution licensee or otherwise by a general or special order. The distribution licensee shall give due intimation of such reallocation to the Commission within 7 days of making the investment:

Provided also that if on account of unforeseen circumstances the distribution licensee is required to make investment in a scheme, which does not find a place in the annual investment plan, the distribution licensee may do so if the same is not a major investment and subject to the conditions contained in sub-regulation (8).

(10) The distribution licensee shall submit to the Commission the relevant load flow studies and details of investment requirement to achieve the planned reduction in losses (both technical and non technical).

10. Transfer of assets.—(1) The distribution licensee shall segregate the utilized assets and unutilised, unproductive and un-remunerative assets and reduce assets inventory of unproductive and un-remunerative assets.

(2) The distribution licensee shall prepare "Fixed Assets Registers" and undertake an investigation of amount reflected in the capital works progress account from time to time to ensure that the completed works are transferred to the "Fixed Assets Register" as soon as may be, after they are completed.

(3) The Commission may either require the distribution licensee to carry out physical verification of assets by an independent agency or initiate such verification itself, at the cost of the distribution licensee.

(4) Save as provided in this regulation, the distribution licensee shall not, in a single transaction or a set of related transactions, transfer or relinquish operational control over any asset whose book value at the time of the proposed transfer exceeds the amount decided by Commission in the special conditions applicable to the distribution licensee or otherwise by a general or special order.

(5) The distribution licensee shall give to the Commission prior notice of its intention to transfer or relinquish operational control over any asset whose value exceeds the amount decided by the Commission as per sub-regulation (4) and the distribution licensee shall disclose all relevant facts in the communication to the Commission. The Commission may, within 30 days of the receipt of the notice, seek further information in support of the transaction and shall, generally within 30 days of such further information being submitted by the distribution licensee, and where no such further information is sought by the Commission as aforesaid, within 60 days of the filing of the application, approve the transfer arrangement subject to such terms and conditions or modifications as is considered appropriate or reject the same, for reasons to be contained in the order issued by the Commission.

(6) The distribution licensee may transfer or relinquish operational control over any asset as is detailed in any notice given under sub-regulation (5) where—

- (a) the Commission confirms in writing that it consents to such transfer or relinquishment of operational control subject to such conditions as the Commission may impose; or
- (b) the Commission does not inform the distribution licensee in writing of any objection to such transfer or relinquishment of operational control within the notice period referred to in sub-regulation (5) and the transfer is effected by transparent and competitive bidding procedures.

(7) The distribution licensee may also transfer or relinquish operational control over any asset where—

- (a) the Commission has issued directions for the purposes of this regulation containing a general consent (whether or not subject to conditions) to—
 - (1) the transactions of a specified description, and/or

-
- (2) the transfer or relinquishment of operational control over assets of a specified description, and/or
 - (3) the transfer or relinquishment of operational control is in accordance with any conditions to which the consent is subject, or
- (b) the transfer or relinquishment of operational control in question is mandated under any other law; or
- (c) the asset in question was acquired and used by the distribution licensee exclusively or primarily in connection with any other business and does not constitute a legal or beneficial interest in land, or otherwise form part of the distribution system or is not otherwise an asset required for the licensed business.
- (8) The distribution licensee shall be entitled to utilise the assets as a means of facilitating financing its investment requirement or including collateral for debt financing, securitisation of receivables etc. for the licensed business subject to the conditions —
- (a) that the distribution licensee will inform the Commission about such arrangements at least 15 days prior to the effective date of the relevant agreements;
 - (b) the distribution licensee acts in a prudent and reasonable manner in such utilisation of assets; and
 - (c) the distribution licensee retains the operational control over assets in the distribution system.

(9) Notwithstanding anything contained in this regulation in case of any emergency condition, the distribution licensee may transfer the assets subject to the condition that the distribution licensee shall, immediately after such a transaction, seek post-facto approval of the Commission giving the detailed facts about the emergency and the details of the transaction entered into. It shall be the obligation of the distribution licensee to establish to the satisfaction of the Commission of the presence of emergency condition necessitating the transfer of the assets.

11. Payment of licence fees.—(1) Within such period as the Commission may direct, the distribution licensee shall pay to the Commission the licence fees, initial and periodic, mentioned in the special condition in such manner as the Commission may direct in the said special condition.

(2) Where the distribution licensee fails to pay to the Commission any of the fees due under sub-regulation (1) by the due dates,—

- (a) without prejudice to other obligations, the distribution licensee shall be liable to pay interest on the outstanding amount at a simple interest rate of 1.5 percent per month, the interest being payable for the period beginning on the day after which the amount became due, and ending on the day on which the payment is made to the Commission; and
- (b) in the event of continued default by the distribution licensee, the Commission may revoke the distribution licence.

(3) The distribution licensee shall be entitled to take into account any fee paid by it under this regulation excluding however the interest for delayed payment as an expense in the determination of aggregate revenues to be charged to the tariffs.

12. Suspension of distribution licence.—(1) Subject to the provisions of section 24 and the regulations framed thereunder, where the circumstances exist which render it necessary for it in the public interest the Commission may suspend for a period not exceeding one year, the distribution licence, if in the opinion of the Commission the distribution licensee —

- (a) persistently fails to maintain uninterrupted supply of electricity conforming to the standards regarding quality of electricity to the consumers; or
- (b) is unable to discharge the functions or perform the duties imposed on it by or under the provisions of the Act;
- (c) persistently defaults in complying with the directions given by the Commission under the Act, or
- (d) breaches the terms and conditions of the licence.

(2) Before suspending a licence under sub-regulation (1), the Commission shall give the licensee not less than 3 month's notice, in writing, stating the grounds on which it is proposed to revoke the licence, and has considered any cause shown by the licensee within the period of that notice, against the proposed suspension.

(3) While suspending the licence under this regulation, the Commission shall appoint an Administrator to discharge the functions of the distribution licensee in accordance with the terms and conditions of the licence and on such appointment the utilities of the distribution licensee shall vest in the Administrator for a period not exceeding one year or upto the date on which such utility is sold in accordance with the provisions of section 20; or till the licence is revoked under section 19, or the suspension of the licence is revoked, whichever is earlier.

13. Terms of revocation. —(1) Subject to the provisions of section 19 of the Act and the regulations framed thereunder, the Commission may, at any time, initiate proceedings against the distribution licensee for revocation of the distribution licence and if satisfied in such proceedings of the grounds for revocation and the public interest, revoke the distribution licence —

- (a) where the distribution licensee in the opinion of the Commission, makes wilful and prolonged default in doing anything required of him by or under this Act or the rules or regulations made thereunder;
- (b) where the distribution licensee violates any of the terms or conditions of his licence the breach of which is expressly declared by such licence to render it liable to revocation;
- (c) where the distribution licensee fails, within the period fixed in this behalf by his licence, or any longer period which the Commission may have granted therefor—
 - (i) to show, to the satisfaction of the Commission, that he is in a position to fully and efficiently discharge the duties and obligations imposed on him by his licence; or
 - (ii) to make deposits or furnish the security, or pay the fees or other charges required by his licence;

- (d) where in the opinion of the Commission the financial position of the distribution licensee is such that he is unable to fully and efficiently discharge the duties and obligations imposed on him; and .
- (e) where the distribution licensee has failed to comply with all the regulations, codes, and standards and also orders and directions of the Commission or otherwise has committed an act which renders the distribution licence revocable on any other grounds specified in the Act or the rules or regulations framed there- under.

(2) Where in its opinion the public interest so requires, the Commission may, on application, or with the consent of the distribution licensee, revoke his licence as to the whole or any part of his area of distribution upon such terms and conditions as it thinks fit.

(3) Before revoking a distribution licence the Commission shall, if in its opinion consider necessary, refer the matter to the State Government and agree on an alternate arrangement to be made for discharging the duties of the distribution licensee.

14. Amendment of licence conditions.— (1) These general conditions of licence may, at any time if it is in public interest, be altered or amended by the Commission under Section 18 of the Act, subject to the condition that,—

- (a) where the distribution licensee has made an application under sub-section (1) of Section 18 of the Act proposing any alteration or amendment in the conditions of licence, the distribution licensee shall publish a notice of such application with such particulars and in such manner as may be directed by the Commission;
- (b) in the case of an application proposing alteration or modification in the area of activity comprising the whole or any part of any cantonment, aerodrome, fortress, arsenal, or camp or of any building or place in the occupation of the Government for defence purposes, the alteration or modification shall be made only with the consent of the Central Government;
- (c) where any alteration or amendment in a licence is proposed to be made otherwise than on the application of the distribution licensee, the

Commission shall publish the proposed alteration or amendment with such particulars and in such manner as the Commission may consider to be appropriate;

- (d) the Commission shall not make any alteration or amendment unless all suggestions or objections received within thirty days from the date of the first publication of the notice have been considered by the Commission.

15. Dispute resolution.—(1) The Commission shall be entitled to act as arbitrator or nominate person(s) as arbitrator(s) to adjudicate and settle disputes between the distribution licensee and any other licensee or between the distribution licensee and a generating company in pursuance of clause (f) of sub-section (1) of section 86, read with section 158, of the Act and regulations of the Commission.

(2) The arbitration proceedings for disputes under sub-regulation (1) may be commenced and conducted by the Commission or the disputes may be referred to the arbitration of others, as the case may be, in accordance with the Conduct of Business Regulations framed by the Commission.

16. Compliance with the grid code.— (1) The distribution licensee shall comply with the provisions of the grid code in so far as it is applicable to the operation of the distribution system or otherwise to any of the activities of the distribution licensee.

(2) The Commission may, after consultation with any affected generating companies, the transmission licensee, the State Transmission Utility, the State Load Despatch Centre and the electricity traders, issue directions relieving the distribution licensee of obligation under sub-regulation (1) in respect of such parts of the grid code and to such extent as may be ordered by the Commission.

(3) Till such time the grid code is specified by regulations under the Act, the distribution licensee shall comply with the interim grid code.

17. Electricity supply code and distribution code.— (1) The distribution licensee shall abide by the electricity supply code and distribution code as may be directed by the Commission from time to time.

(2) (a) The electricity supply code may amongst others provide for recovery of electricity charges, intervals for billing of electricity charges, disconnection of supply for non-payment thereof, restoration of supply of electricity, tampering, distress or damage to electrical plant, electric lines or meter, entry of the distribution licensee or of any person acting on his behalf for disconnecting supply and removing the meter, entry for replacing, altering or maintaining electric lines or electrical plant or meter.

(b) The Commission may, at the instance of the licensee, issue directions relieving the licensee of its obligations under the electricity supply code in respect of such parts of the licensee's distribution system and to such extent as may be directed by the Commission.

(3) In addition to the electricity supply code the Commission may from time to time approve at the request of the distribution licensee other conditions applicable for supply of electricity by the distribution licensee in the area of distribution.

(4) The distribution code may amongst others, cover all material technical aspects relating to connections, and the operation and use of the distribution system including the operation of the electrical lines and electrical plant and apparatus connected to the distribution system in so far as relevant to the operation and use of the distribution system and shall include, but not be limited to, the distribution planning and connection code containing —

- (a) planning code specifying the plan for laying the distribution lines and the service lines in the area of supply, the technical and design criteria and procedures to be applied by the licensee in the planning and development of the licensee's distribution system; and
- (b) connection conditions specifying the technical, design and operational criteria to be complied with by any person connected or seeking connection with the licensee's distribution system; and the distribution code specifying the conditions under which the licensee shall operate the licensee's distribution system and under which persons shall operate their plant and/or distribution system in relation to the licensee's distribution system, in so far as it is necessary to ensure the security and quality of supply and safe operation of the licensee's distribution system under both normal and abnormal operating conditions.

(5) The distribution code shall be designed so as to permit the development, maintenance and operation of an efficient, co-ordinated and economical distribution system.

(6) The distribution licensee shall, till the electricity supply code conditions of supply or distribution code comes into force, follow the same practices which have been followed by the supply licensees in the State with such modifications as may be directed or permitted by the Commission.

(7) The distribution licensee shall from time to time, as appropriate, review the distribution code and its implementation in consultation with the transmission licensee, trading licensee, generating companies and such other persons as the Commission may order. The licensee shall also undertake such review as and when directed to do so by the Commission. Following any such review, the licensee shall send to the Commission —

- (a) a report on the outcome of such review;
- (b) any proposed revisions to the distribution code as the licensee (having regard to the outcome of such review) reasonably thinks fit for the achievement of the objectives of the distribution code and his licence; and
- (c) all written representations or objections received during such review.

(8) All revisions to the distribution code electricity supply code and the conditions of supply shall require approval from the Commission.

(9) The licensee shall make available to any person requesting for it, copies of the distribution code, the electricity supply code and conditions of supply and practices thereto in force at the relevant time, at a price not exceeding the reasonable cost of duplicating it.

(10) A compilation of the existing codes and practices relating to construction of the licensee's distribution system and its distribution facilities shall be filed with the Commission by the licensee within 90 days of the grant of his licence. The licensee shall follow the existing codes and practices with such modification as the Commission may direct from time to time. The construction practices shall be reviewed and upgraded by the licensee from time to time, as appropriate, based on relevant technological improvements and changes.

18. Consumer service.—(1) The distribution licensee shall duly comply with the following:—

A. Code of Practice on Payment of Bills

- (a) The licensee shall, within 90 days after grant of licence, prepare and submit to the Commission, for its approval, a Code of practice concerning the payment of electricity bills by the consumers and including appropriate guidance for the assistance of such consumers who may have difficulty in paying such bills, and procedures for disconnecting in the event of non-payment by the consumer. In granting the approval, the Commission may make such modifications, as it considers necessary to the Code of practice.
- (b) The Commission may, upon receiving a representation or otherwise, require the distribution licensee to review the Code of practice and the manner in which it has been implemented with a view to determine whether any modification should be made to it or to the manner of its implementation.
- (c) The distribution licensee shall, in consultation with such other persons as the Commission may direct, review and submit any revision to the Code of practice that it wishes to make, to the Commission for its approval, including any representation received by the distribution licensee and not accepted by it. The Commission may modify the Code of practice concerning payment of bills, as it considers necessary.
- (d) The distribution licensee shall —
 - (1) draw to the attention of the consumers, in such manner as the Commission may direct, the existence of the Code of practice and each substantive revision of it and how they may inspect or obtain a copy of the Code of practice in its latest form;
 - (2) make a copy of the Code of practice, revised from time to time, available for inspection by members of the public during normal working hours; and

- (3) provide an updated copy of the Code of practice revised from time to time to each new consumer and to any other person who requests for it at a price not exceeding the reasonable cost of duplicating it.
- (e) The distribution licensee shall comply with the existing practice and procedures with respect to the payment of electricity bills by the consumers with such modifications as the Commission may direct, until the Code of practice on payment of bills by the consumers, as mentioned in this paragraph is adopted with the approval of the Commission.

B. Complaint Handling Procedure:

- (a) The distribution licensee shall establish a forum for redressal of grievances of the consumers in accordance with the guidelines specified by the Commission under section 42 of the Act.
- (b) The distribution licensee shall within reasonable time, as may be directed by the Commission, after the licence becomes effective and with approval of the Commission, notify a procedure for handling complaints from the consumers of the licensee in addition to the forum for redressal of grievances. The Commission may hold consultations with the State Advisory Committee constituted by the Commission under section 87 or a person or body of persons, whom the Commission considers as representing the interest of the consumers likely to be affected and make such modification of the procedure, as it believes necessary before granting approval to the Consumer Complaint Handling Procedure.
- (c) The Commission may, upon receiving a representation, or otherwise, require the distribution licensee to review the complaint handling procedure prepared and the manner in which it has been implemented, with a view to determine whether any modification should be made to it or to the manner of its implementation.
- (d) Any procedure so established, including any revisions to it, shall notify the periods within which it is intended that different kinds of the complaints should be processed and resolved.

- (e) The distribution licensee shall submit to the Commission for its approval any revision proposed to be made to the procedure established.
- (f) The distribution licensee shall —
 - (1) draw to the attention of the consumers, in such manner as the Commission may direct, the existence of the complaint handling procedure and each substantive revision of it and how the consumers may inspect or obtain copies of such procedure in its latest form;
 - (2) make a copy of its complaint handling procedure, revised from time to time, available for inspection by members of the public at the relevant offices of the licensee during normal working hours; and
 - (3) provide a copy of the complaint handling procedure revised from time to time to each new consumer, and to any other person who requests for it at a price not exceeding the reasonable cost of duplicating it.

C. Consumer Rights Statement:

- (a) The distribution licensee shall develop, submit to the Commission and implement a comprehensive public interaction programme through the Consultative Committees, preparation, publication and advertisement of material helpful to the various consumer interest groups and general public on various activities of the Utility, dispute settlement mechanism, accidents, rights and obligation of the consumers etc. with the approval of the Commission within a reasonable period of time as may be directed by the Commission.
- (b) The distribution licensee shall, within a reasonable period of time as may be directed by the Commission after the licence become effective or such other time as the Commission may allow, prepare and submit to the Commission for approval, a consumer rights statement, explaining to the consumers their rights as consumers serviced by the licensee. The Commission may, upon holding such consultation with the State Advisory Committee constituted under section 87, and such other

persons or bodies of persons whom the Commission considers as representing the interests of consumers likely to be affected by it, and make such modification of the statement, as it considers necessary in the public interest.

- (c) The Commission may, upon receiving a representation or otherwise, require the distribution licensee to review the consumer rights statement prepared and the manner in which it has been implemented with a view to determining whether any modification should be made to it or to the manner of its implementation.
- (d) The distribution licensee shall submit any revision to the consumer rights statement that it wishes to make to the Commission for its approval, including any representation received by the distribution licensee and not accepted by it. The Commission may modify the existing consumer rights statement, as it considers necessary.
- (e) The distribution licensee shall:—
 - (1) draw to the attention of consumers, in such manner as the Commission may direct, the existence of its consumer rights statement and each substantive revision of it and how they may inspect or obtain a copy of such consumer rights statement in its latest form;
 - (2) make a copy of its consumer rights statement, revised from time to time, available for inspection by members of the public at its offices during normal working hours; and
 - (3) provide a copy of the consumer rights statement, revised from time to time, to all new consumers to be served by it, and to any other person who requests for it at a price not exceeding the reasonable cost of duplicating it.
- (2) The distribution licensee shall duly comply with the standards as the Commission may direct from time to time, for the performance of the duties of the distribution licensees under the Act.

19. Distribution system planning and security standards, distribution system operating standards, overall performance standards.—(1) The distribution licensee shall comply with the existing distribution system planning, security standards and the existing distribution system operating standards, with such modifications as the Commission may direct, until the distribution system planning, security standards and distribution system operating standards proposed by the distribution licensee are approved by the Commission.

(2) The distribution licensee shall plan, develop and operate its distribution system in accordance with the distribution system planning and security standards together with the distribution code as approved by the Commission;

(3) (a) The distribution licensee shall, within such time as the Commission may direct in the special conditions or otherwise, submit to the Commission the existing planning and security standards and the operating standards for its distribution system and the existing planning and security standards and operating standards relating to generation capacity connected to its distribution system being followed by the distribution licensee. Such existing standards, with such modification as the Commission may direct, shall continue to remain in effect until the new standards are approved by the Commission.

(b) The distribution licensee shall, within such time as the Commission may direct in the special conditions or otherwise, prepare, in consultation with the suppliers, generating companies, the Central Transmission Utility, the State Transmission Utility, the Regional Electricity Board and such other persons as the Commission may direct, and submit to the Commission for approval the distribution licensee's proposal for distribution planning and security standards and distribution operating standards, and operating standards in accordance with the general conditions contained in these regulations.

(c) The distribution planning and security standards and distribution operating standards, and the operating standards submitted by the distribution licensee pursuant to this regulation, with such modifications as the Commission may require, shall take effect from such dates as the Commission may direct.

(4) The distribution licensee shall not be in breach of its obligations if the failure to meet the distribution planning and security standards or the distribution operating standards is due to force majeure, provided that, the distribution licensee has used its reasonable efforts, to comply with the distribution planning and security standards or the distribution operating standards, as the case may be.

(5) The distribution licensee shall, in consultation with suppliers, the generating companies, the Central Transmission Utility, the State Transmission Utility, the Regional Electricity Board and such other persons as the Commission may order, review the standards and their implementation on each occasion a review of the grid code is undertaken. Following any such review, the distribution licensee shall send to the Commission —

- (a) a report on the outcome of such review; and
- (b) any revision which the distribution licensee proposes to make to such documents from time to time (having regard to the outcome of such review); and
- (c) any written representations or objections (including those not accepted by the distribution licensee) from suppliers, the generating companies, the Central Transmission Utility, the State Transmission Utility, the Regional Electricity Board and such other persons as the Commission may order arising during the consultation process;

Provided that the Commission may, upon application of the transmission licensee, relieve the distribution licensee from the obligation to review the standards and their implementation, to such extent as shall be given in directions issued to the distribution licensee by the Commission for the purposes of this condition.

(6) The Commission may, having regard to any written representations and objections received and following such further consultation as the Commission may consider appropriate, issue directions requiring the distribution licensee to revise the standards in such manner as may be given in the directions. The distribution licensee shall duly carry out the revisions directed by the Commission.

(7) The distribution licensee shall, within 3 months of the end of each financial year, submit to the Commission a report indicating the performance of the distribution licensee's distribution system during the previous financial year. The distribution licensee's compliance with the standards of performance may be measured, in part, by the licensee's adherence to the distribution code, the supply code, the conditions of supply and other codes and regulations set forth by the Commission. The distribution licensee shall, if required by the Commission, publish a summary of the report in a manner approved by the Commission.

(8) The distribution licensee shall conduct its licensed business in the manner which it reasonably considers to be the best to achieve the performance standards in connection with provision of supply services and the promotion of the efficient use of electricity by the consumers, as may be directed by the Commission by a general or special order.

(9) The distribution licensee shall provide annually, information to the Commission as to the means by which it proposes to achieve the performance standards and other standards applicable to the distribution licensee.

20. Obligation to connect consumers and public lamps.—(1) Subject to the provisions of the Act and conditions contained in these regulations, the distribution licensee shall on the application of the owner or occupier of any premises within the area of supply, connect the distribution licensee's distribution system for the purposes of providing supply of electricity to such premises, in accordance with the applicable regulations, directions and orders of the Commission.

(2) Where, after distribution mains have been laid down under the provisions of sub-regulation (1) and the supply of energy through those mains or any of them has commenced, a requisition is made by the State Government or by a local authority requiring the distribution licensee to supply for a period of not less than two years, energy for any public lamps within the area of supply, the distribution licensee shall supply, and save in so far as it is prevented from doing so by events of force majeure and operational constraints, continue to supply energy for such lamps in such quantities as the State Government or the local authority, as the case may be, may require. The State Government or the relevant local authority, as the case may be, may require the distribution licensee —

- (a) to provide the mains and other equipment for public lamps; and
- (b) to use for that purpose supports, if any, previously erected or set up by it for supply of energy.

(3) The distribution licensee may levy any reasonable charge(s) for carrying out works/release of supply, in accordance with any procedures that may be stipulated by the distribution licensee and approved by the Commission as well as the provisions of the Act and the regulations of the Commission.

21. Obligation to supply/ power supply planning standards.—(1) The distribution licensee shall take all reasonable steps to ensure that all consumers

connected to the distribution licensee's distribution system receive a safe, economical and reliable supply of electricity as provided in the performance standards, and other guidelines issued by the Commission in accordance with the provisions of the Act, rules and regulations framed thereunder.

(2) The distribution licensees shall be entitled to utilise the soil, subsoil and areas pertaining to public rights of way, streets, public squares and other assets in the public domain, as well as to cross rivers, bridges, railways, electrical and communication lines, subject to the provisions of section 67 of the Act.

(3) The distribution licensee shall —

- (a) forecast annually the demand for power within the area of supply in each of the next succeeding 10 years;
- (b) prepare and submit such forecasts to the Commission in accordance with the guidelines issued by the Commission from time to time;
- (c) co-operate with the transmission licensees, the State Transmission Utility and the State Load Despatch Centre and other licensees in the preparation of power demand forecasts for the State; and
- (d) undertake load research and prepare maximum and minimum load growth scenarios for the State, taking into account economic growth rates, tariff levels and price elasticity of demand for electricity.

(4) Subject to the foregoing sub-regulations, the distribution licensee shall purchase electricity from the generating companies, electricity traders and others as consented to by the Commission in quantities which the distribution licensee considers sufficient to meet the expected demand of the licensee's consumers.

(5) The distribution licensee shall, within three months after his licence has come into force or such other time as the Commission may allow, prepare and submit to the Commission for approval, a disaster management plan, to address emergencies that may arise in connection with the operation of the distribution licence. For purposes of this sub-regulation, an emergency shall mean any condition and/or situation that materially and adversely —

- (a) affects the ability of the licensee to maintain safe, adequate and continuous operation of all or any part of the licensed business; or

(b) endangers the security of any person, plant, or other life, equipment or property.

22. Powers to recover expenditure and require security.—(1) The distribution licensee shall be entitled to recover tariff, charges, fee, etc. and require security deposit to be made for supply of electricity or for provision of services, in accordance with the provision of the Act and the rules and regulations for the purpose framed under the Act.

23. Metering, Billing, Collection, Energy Audit & Losses.—(1) The distribution licensee shall comply with the requirements of the Act and the regulations, directions and orders of the Commission in regard to the supply of electricity through meter.

(2) The distribution licensee may require the consumer to give security for the price of a meter and enter into an agreement for hire thereof, unless the consumer elects to purchase a meter.

(3) The distribution licensee shall replace defective and dead stop meter, by electronic meters within maximum period as stipulated in the guaranteed standards approved by the Commission.

(4) The distribution licensee shall introduce prepaid metering in a phased manner to eliminate credit to the consumers for the energy used by them.

(5) The distribution licensee shall review the process of timely meter reading, billing, collection of revenue and disconnections for streamlining the revenue administration and submit the same to the Commission for its approval.

(6) The distribution licensee shall carry out compulsory Energy Audit.

(7) The distribution licensee shall plan and manage its business with a view to improve quality of service, increase revenue and reduce the T&D losses.

(8) The distribution licensee shall carry out Demand Side Management to achieve optimal supply/demand equilibrium.

24. Connection and use of system.—(1) The distribution licensee shall make such arrangements for open access to the use of his distribution system by the

users subject, however, to the availability of the adequate distribution capacity in the system in accordance with open access regulations framed by the Commission and further subject to the user agreeing to pay all permissible charges including the distribution charges and surcharges wherever applicable.

25. Expected revenue calculation and tariffs.—(1) The distribution licensee shall, within such time as may be specified by the Commission,—

- (a) build a credible and accurate database of costs and expenditure, between the various customer classes, so that stakeholders can focus on these costs and expenses to have rational basis for the determination of tariffs with some regulatory certainty;
- (b) conduct a study on marginal costs of supply, including differentiated marginal costs by voltage levels and consumer classes; and
- (c) furnish detailed information on voltage wise assets, costs and sales so that in future the extent of cross subsidy could be measured precisely.

(2) The distribution licensee shall calculate the expected revenue from charges which it is permitted to recover, in accordance with the provisions of the Act, the regulations of the Commission, the tariff terms and conditions and other guidelines, orders and directions issued by the Commission from time to time.

(3) The distribution licensee shall file the expected revenue calculation and the application containing tariff proposals in accordance with the terms and conditions, specified by the Commission for the determination of the tariff.

(4) Unless otherwise provided in the special conditions or in any order or directions issued by the Commission, the distribution licensee shall, every year, not later than 30th November, submit to the Commission —

- (a) a statement with full details of its expected aggregate revenues and cost of service for the ensuing financial year (including financing costs and its proposed return on equity) for its licensed business, in accordance with the provisions of the Act and the regulations, guidelines and orders issued by the Commission from time to time; and
- (b) the annual investment plan giving specific details of the investment which the distribution licensee proposes to make in the ensuing financial

year and which the distribution licensee desires to be covered under the revenue requirements in the ensuing financial year with appropriate references to schemes, if any, already approved by the Commission of which such investments form a part.

The distribution licensee shall prepare and submit to the Commission the Statement and the investment details referred to hereinbefore separately for each of its licensed businesses and other businesses.

(5) The distribution licensee shall, alongwith the expected revenue calculation or at such other time and periodicity as the Commission may specifically permit, file the application containing tariff proposals and the revision to the existing tariffs approved by the Commission to match the revenue requirements of the distribution licensee.

(6) The amount that the distribution licensee is permitted to recover from its tariffs shall be the amount that the Commission determines and approves in accordance with the provisions of the Act and the regulations of the Commission.

(7) The distribution licensee may apply to the Commission to amend its tariffs in accordance with the Act and the regulations and directions issued by the Commission.

26. Provision of subsidies to certain consumers.—(1) If the State Government requires the grant of any subsidy to any consumer or class of consumers in the tariff determined by the Commission, the State Government shall, notwithstanding any direction which may be given under section 108 of the Act, pay, in advance and in such manner as may be directed by the Commission, the amount to compensate the person affected by the grant of subsidy in the manner the Commission may direct:

Provided that no such direction of the State Government shall be operative if the payment is not made in accordance with the provisions of the Act and regulations issued by the Commission, and the licensee shall charge to the consumers the tariff fixed by the Commission from the date of issue of orders by the Commission in this regard.

27. Power to enter premises and to remove fittings or other apparatus of licensee.—(1) In accordance to section 163 of the Act, the licensee or any person duly authorised may, at reasonable time, and on informing the occupier of his intent, enter any premises to which supply has been made or over which electric lines and works have been lawfully placed for the purpose of:-

- (a) inspecting, testing, repairing or altering electric supply lines, meters, fittings belonging to the licensee; or
 - (b) ascertaining the amount of electricity supplied; or
 - (c) removing such lines, fittings, works where electricity supply is not required.
- (2) The licensee or its authorised person may on a special order of the Executive Magistrate give a notice of not less than twenty four hours in writing to the occupier for entering any premises for purposes mentioned in sub-regulation (1).
- (3) The licensee may, on refusal of entry by the occupier of the premises, cut off power supply till such time the refusal continues but for no longer than that.

28. Disconnections.- (1) The licensee shall give 15 days clear notice in writing prior to disconnection.

(2) The licensee shall not cut off supply if the person deposits under protest-

- (a) the amount equal to the sum claimed from him; or
- (b) the electricity charges due from him calculated on the basis of average charge for electricity supplied to him during the preceding 6 months;

whichever is less pending disposal of the dispute.

- (3) The licensee shall have to show such sum as recoverable continuously for a period of two years for the electricity supplied.
- (4) Pursuant to sections 126, 127, 135-140 of the Act, the licensee shall have the powers and authority to take appropriate actions for –

- (a) metering at the point of supply of electricity;
- (b) revenue realisation;

- (c) implementing credit control procedure as approved by the Commission;
- (d) prosecution for theft;
- (e) prevention of meter tampering;
- (f) prevention of diversion of electricity,
- (g) prevention of unauthorised use of electricity; and
- (h) all such similar matters affecting distribution or retail supply.

29. Miscellaneous.—(1) The distribution licensee shall rationalize the existing manpower for improvements in efficiency through scientific engineering resources management, improving and updating the organization strategies and systems and skills of human resources for increased productivity

(2) All issues arising in relation to interpretation of these regulations and as to the terms and conditions thereof shall be a matter for the determination of the Commission and the decision of the Commission on such issues shall be final, subject only to the right of appeal under section 111 of the Act.

(3) The Commission may at the time of grant of the distribution licence waive or modify the application of any of the provisions of these regulations either in the order granting the licence or by special conditions made applicable to a specific distribution licensee.

30. Provisions to apply to deemed licensees:— The general conditions contained herein shall apply to all applicants for grant of the distribution licence after the coming into force of the Act and also to all the deemed distribution licensees under the first, second, third and fifth provisos to section 14 of the Act.

31. Removal of difficulties:— (1) Subject to the provisions of the Act, the Commission may, from time to time, issue orders and practice directions in regard to the implementation of these regulations and procedures to be followed on various matters, which the Commission has been empowered by these regulations to direct and matters incidental or ancillary thereto.

(2) If any difficulty arises in giving effect to any of the provisions of these regulations, the Commission may, by general or special order, direct the distributor licensee to do or undertake things, which in the opinion of the Commission are necessary or expedient for removing the difficulties.

(3) No order shall be made under this section after the expiry of the period of one year from the date of the commencement of these regulations and every order made under this regulation shall be subject to the condition of previous publication and shall be laid, as soon as may, after it is made, before the State Legislature Assembly.

32. Repeal & savings.—(1) Save as otherwise provided in these regulations, the general or specific conditions of the distribution licence laid down under the Indian Electricity Act, 1910 or the Electricity Regulatory Commissions Act, 1998 or any other law in force immediately before the commencement of these regulations are hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken or purported to have been done or taken under the repealed general or specific conditions of the distribution licence shall, in so far as it is not inconsistent with the provisions of these regulations, be deemed to have been done or taken under the corresponding provisions of these regulations.

(3) The specific conditions of the distribution licence and directions issued before the commencement of these regulations, (including those given both at the public hearings and in the tariff order, as contained in chapter 7 of the Tariff Order 2001-02 issued under the Electricity Regulatory Commissions Act, 1998), not inconsistent with the provisions of these regulations, shall continue to apply for the period for which such general or specific conditions and directions were issued.

By order of the Commission,

Sd/-

Secretary.